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Agenda item 10
Report of the Peacebuilding Commission

Security Council
Sixty-fourth year

Letter dated 20 June 2009 from the Chairperson of the Peacebuilding Commission and the Chairperson of the Sierra Leone configuration of the Peacebuilding Commission to the President of the General Assembly, the President of the Security Council and the President of the Economic and Social Council

We have the honour to refer to the outcome of the Peacebuilding Commission High-level Special Session on Sierra Leone (PBC/3/SLE/6).

The High-level Special Session of the Peacebuilding Commission, held on 10 June 2009, brought together senior representatives of the Member States, the United Nations, international financial institutions and civil society. The Special Session aimed to provide political support for the implementation of the political parties' joint communiqué, endorse the Agenda for Change of the Government of Sierra Leone as the core national strategy to guide future peacebuilding and development efforts, support the United Nations joint vision for Sierra Leone, and enhance the coordination and coherence of international support to Sierra Leone's peace consolidation efforts.

While Sierra Leone has achieved notable progress in its path towards peace, security and democratic governance, strong national leadership and sustained international support remain critical to overcoming the root causes of conflict and addressing emerging threats to peacebuilding.

(*Signed*) Heraldo **Muñoz**
Chairperson
Peacebuilding Commission

(*Signed*) John **McNee**
Chairperson
Sierra Leone configuration
Peacebuilding Commission

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Burkina Faso: draft resolution

The Security Council,

Recalling its previous resolutions and statements of its President concerning the situation in Guinea-Bissau, as well as the letter of its President of 22 December 2008 (S/2008/778) to the Secretary-General,

Expressing its deep concern at the resurgence of political violence, in particular the political assassinations in Guinea-Bissau,

Stressing the fact that such developments demonstrate the fragility of the political situation, and jeopardize the efforts to restore peace and stability, as well as the rule of law in Guinea-Bissau,

Stressing the importance of the upcoming presidential election in Guinea-Bissau of 28 June 2009, and the need to have free, fair and transparent elections as a crucial and necessary step towards the full return to constitutional order, consolidation of democracy and national reconciliation,

Underlining the need for everyone to respect the results of the election, and calling upon all stakeholders to contribute to a peaceful environment during and after the election,

Reaffirming that the Government of Guinea-Bissau and all stakeholders must remain committed to security sector reform, the promotion of the rule of law, and the fight against impunity and illicit drug trafficking,

Stressing the importance of security sector reform, and reiterating the continued support of the United Nations and the international community for the long-term security and development of Guinea-Bissau, particularly in the fields of security sector reform, justice, and in building the capacity of the Government to fight against illicit drug trafficking,

Reiterating the importance of the regional and subregional cooperation in addressing the challenges faced by Guinea-Bissau,

Recalling the adoption of the strategic Framework for Peacebuilding in Guinea-Bissau (PBC/3/GNB/3) on 1 October 2008, and encouraging the Government of Guinea-Bissau to continue its close engagement with the Peacebuilding Commission towards its accelerated implementation,

Noting that the situation in Guinea-Bissau continues to be extremely fragile in particular as a result of increased drug trafficking and organized crime that could

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pose a threat to regional stability, and should also be addressed by an approach of shared responsibility,

Stressing its concern of human trafficking, especially that of children outside the country,

Reaffirming its full commitment to the consolidation of peace and stability in Guinea-Bissau,

1. *Decides* to extend the mandate of the United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS) until 31 December 2009;

2. *Welcomes* the report of the Secretary-General on Guinea-Bissau and on the activities of UNOGBIS in that country of 11 June 2009 (S/2009/302), and takes note of his recommendations contained therein;

3. *Requests* the Secretary-General to establish a United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) to succeed UNOGBIS, as recommended by him in his report (S/2009/302) for an initial period of 12 months, beginning on 1 January 2010, with the following key tasks:

(a) Assisting the Peacebuilding Commission in its work in addressing critical peacebuilding needs in Guinea-Bissau;

(b) Strengthening the capacities of national institutions in order to maintain constitutional order, public security and the full respect for the rule of law;

(c) Supporting national authorities to establish effective and efficient police and law enforcement and criminal justice systems;

(d) Supporting an inclusive political dialogue and national reconciliation process;

(e) Providing strategic and technical support and assistance to the Government of Guinea-Bissau in developing and coordinating the implementation of security sector reform;

(f) Assisting national authorities to combat drug trafficking and organized crime, as well as human trafficking, especially child trafficking;

(g) Supporting the national efforts to curb the proliferation of small arms and light weapons;

(h) Undertaking human rights promotion, protection and monitoring activities and supporting the institutionalization of respect for the rule of law;

(i) Mainstreaming a gender perspective into peacebuilding, in line with Security Council resolutions 1325 (2000) and 1820 (2008);

(j) Enhancing cooperation with the African Union, the Economic Community of West African States, the Community of Portuguese-speaking Countries, the European Union and other partners in their efforts to contribute to the stabilization of Guinea-Bissau;

(k) Helping in the mobilization of international assistance;

4. *Underlines* the need for appropriate expertise to ensure that the UNIOGBIS effectively and efficiently implements its mandate;

5. *Further underlines* the importance of establishing a fully integrated office with effective coordination of strategies and programmes between the United Nations agencies, funds, and programmes, between the United Nations and international donors, and between the integrated office, the Economic Community of West African States (ECOWAS), and other United Nations missions in the subregion, and requests the Secretary-General to take necessary measures with UNOGBIS to ensure a smooth transition between UNOGBIS and the new integrated office;

6. *Requests* the Secretary-General to develop a strategic workplan with appropriate benchmarks to measure and track progress on the implementation of the mandate described in paragraph 3 above, and report on its implementation in accordance with paragraph 14 below;

7. *Calls on* the Government and all political stakeholders of Guinea-Bissau to work together in order to set up the best conditions for national reconciliation and to consolidate peace and security throughout Guinea-Bissau;

8. *Urges* all members of the Armed Forces, including its leaders, to abide by civilian rule and to refrain from any interference in political issues, to guarantee the security of the national institutions, as well as the population in general, and calls for the full protection and respect of human rights;

9. *Urges* Guinea-Bissau's political leaders to refrain from involving the military in politics, and requests them to use legal and peaceful means to solve their differences;

10. *Calls on* the Government of Guinea-Bissau to conduct credible and transparent investigations into the political assassinations in March and June 2009, and to bring to justice those responsible for these acts, calls also upon the international community to support those investigations;

11. *Requests* in particular the Secretary-General, in consultation with the African Union, the Economic Community of West African States (ECOWAS), the Community of Portuguese-speaking Countries (CPLP), to assist the Government of Guinea-Bissau in carrying out a credible investigation process;

12. *Takes note* of the initiatives undertaken by regional organizations for ensuring the protection of the national institutions and the authorities;

13. *Requests* the Secretary-General, through his Special Representative for Guinea-Bissau and UNIOGBIS, to assist the Government of Guinea-Bissau for an effective coordination of the support provided by the international community to security sector reform in Guinea-Bissau, taking into account the work already undertaken by the European Union and other international actors in this area;

14. *Further requests* the Secretary-General to keep the Security Council regularly informed every four months on progress with establishing the United Nations Integrated Peacebuilding Office in Guinea-Bissau, with the first report due by 31 October 2009, and thereafter with the implementation of this resolution;

15. *Decides* to remain actively seized of the matter.

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Letter dated 25 June 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Croatia to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith the report on the work of the Security Council during the presidency of Croatia in December 2008 (see annex). This assessment was prepared under my own responsibility, following consultations with other members of the Security Council.

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Ranko **Vilović**
Ambassador
Chargé d'affaires a.i.

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Annex to the letter dated 25 June 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Croatia to the United Nations addressed to the President of the Security Council

Assessment of the work of the Security Council during the presidency of the Republic of Croatia (December 2008)

Introduction

During the month of December 2008, under the presidency of Ambassador Neven Jurica, Permanent Representative of the Republic of Croatia to the United Nations, the Security Council engaged in an extensive and robust programme of work. The Security Council held 35 formal meetings, with 2 resumptions, and 18 consultations of the whole to discuss African, Asian and European issues, and also held one high-level event on the thematic issue of threats to international peace and security caused by terrorist acts, which was chaired by the President of the Republic of Croatia, H.E. Stjepan Mesić.

In December 2008 the Security Council adopted 14 resolutions, 4 presidential statements and 4 statements to the press.

Africa

Burundi

On 11 December, the Security Council heard a briefing by the Facilitator of the Burundi Peace Process and Minister of Defense of South Africa, H.E Mr. Charles Nqakula, in which he reported that significant progress had been made in resolving differences between the Government of Burundi and the Palipehutu-FNL with respect to the implementation of the Comprehensive Ceasefire Agreement. The Chairman of the Burundi configuration of the Peacebuilding Commission and Permanent Representative of Sweden to the United Nations, H.E. Mr. Andres Lidén, also spoke before the Council emphasizing that the sustained support of the international community and its involvement, in particular through the African Union and the Regional Initiative, as well as the close collaboration between the Council and the Commission, were essential in support of the consolidation of peace in Burundi. He recalled that the Commission's biannual review in January 2009 will provide an opportunity to review progress made thus far and should call for further international support and attention where needed. In the consultations of the whole that followed, Security Council members exchanged views on the situation in Burundi as well as on the latest report of the Secretary-General on the United Nations Integrated Office in Burundi (BINUB) (S/2008/745).

The meeting was followed by consultations of the whole on the issue.

On 22 December, the Council unanimously adopted resolution 1858 (2008), by which it extended the mandate of BINUB until 31 December 2009.

Chad and the Central African Republic

On 12 December, the Security Council was briefed by the Special Representative of the Secretary-General and Head of the United Nations Mission in the Central African Republic and Chad (MINURCAT), Victor da Silva Angelo, who reported on the successful preparations for transfer of authority from the European Union to the United Nations in Chad and the Central African Republic. He informed the Council of the excellent cooperation between the European Union-led military force EUFOR, the United Nations country team and the humanitarian community in preparation for the 15 March 2009 transfer deadline.

The meeting was followed by consultations of the whole on the issue.

Democratic Republic of the Congo

During its consultation on 15 December, the Security Council heard a briefing by the Under-Secretary-General for Peacekeeping Operations, Alain Le Roy, and discussed the situation in the Democratic Republic of the Congo and the upcoming renewal of the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC).

On 17 December, in consultations of the whole, the Security Council heard a briefing by the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, H.E. Mr. Marty M. Natalegawa, Permanent Representative of Indonesia to the United Nations, on the final report of the Group of Experts, and on deliberations among Committee members on the Group of Experts report at the Committee's informal consultations on 10 December.

On 22 December, the Council unanimously adopted resolution 1856 (2008), by which it extended the mandate of MONUC until 31 December 2009, while reinforcing the Mission's strength and refocusing its mandate more clearly on the protection of civilians.

On 22 December, the Council also unanimously adopted resolution 1857 (2008), by which it renewed the Democratic Republic of the Congo sanctions regime and extended the mandate of the Group of Experts until 30 November 2009. Sanctions were expanded to target individuals impeding humanitarian assistance or supporting armed groups operating in the eastern part of the Democratic Republic of the Congo through the illicit trade of natural resources.

Guinea-Bissau

On 11 December, the Security Council held consultations on the situation in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS). The Representative of the Secretary-General, Shola Omoregie, opened the consultations with a briefing in which he introduced the main conclusions and recommendations contained in the report of the Secretary-General. In his intervention, he made special mention of the elections and the attempted coup (in November 2008), as well as security sector reform and the fight against illegal narcotics. Members of the Council mainly expressed their satisfaction with the successful elections, but also pointed out that the situation in the country remained fragile and, occasionally, even violent.

The Council also agreed on a press statement which was read out by the President after the meeting. In the press statement Council members welcomed the successful organization of legislative elections on 16 November 2008, reiterated their deep concern over the security situation and in this regard offered their support for the implementation of the security sector reform programme, welcomed the successful holding of the Economic Community of West African States Ministerial Conference on Drug Trafficking as a Security Threat to West Africa, and requested the Secretary-General to draw up recommendations on transforming UNOGBIS into an integrated office.

The situation in the Great Lakes Region (LRA-affected areas)

During its consultations on 17 December, the Security Council heard a briefing by the Special Envoy of the Secretary-General for the Lord's Resistance Army-affected areas, H.E. Mr. Joaquim Chissano. Security Council members reiterated their full support for the efforts of former President Chissano and called for the continuation of his work.

On 22 December, the Council adopted a presidential statement (S/PRST/2008/48) strongly condemning the attacks by the LRA. It also commended the States in the region for their increased cooperation in addressing the security threat posed by the LRA.

Liberia

On 17 December, the Security Council heard a briefing by the Chairman of the Security Council Committee established pursuant to resolution 1521 (2003), Giadalla Azuz Ettalhi, Permanent Representative of the Libyan Arab Jamahiriya, on the implementation of sanctions in Liberia. The basis for the Chairman's briefing was the report of the Panel of Experts to the Council at the beginning of December 2008.

The Chairman of the Committee informed the Council regarding the continuation of the conditional abolishment of sanctions against Liberia. He stressed the limited capacities that States in the region have in implementing the travel ban. The Chairman pointed out that the assets freeze is not being implemented at all in Liberia owing to a lack of national legislation. On the other hand, the arms embargo is being fully implemented and there is no evidence of any significant violation of that measure.

On 19 December, the Security Council adopted resolution 1854 (2008), by which it decided to renew the arms embargo and travel ban sanctions regime in Liberia for another period of 12 months.

Office for the Coordination of Humanitarian Affairs (Chad and the Sudan)

On 3 December, the Security Council was briefed by the Under-Secretary-General for Humanitarian Affairs, the Emergency Relief Coordinator, John Holmes, on his trip and insights into the humanitarian situation in Chad and the Sudan. He reported that despite some recent political steps that were taken, a ceasefire and negotiated settlement to the conflict were urgently needed. He added that banditry and criminality represented the biggest single concern for humanitarian workers.

Somalia

On 2 December, the Security Council unanimously adopted resolution 1846 (2008), by which the Council decided that for a period of 12 months from its adoption States and regional organizations cooperating with the Transitional Federal Government of Somalia may enter Somalia's territorial waters and use all necessary means to repress acts of piracy and armed robbery at sea off the coast of Somalia, in accordance with relevant international law.

On 11 December, during consultations of the whole, the Security Council heard a briefing by Ambassador Dumisani Kumalo of South Africa, in his capacity as Chairman of the Committee established pursuant to Council resolution 751 (1992) concerning Somalia, on the final report of the Monitoring Group.

On 16 December, the Security Council unanimously adopted resolution 1851 (2008), by which the Council decided that for a period of 12 months from the date of adoption of its resolution 1846 (2008) States and regional organizations cooperating with the Transitional Federal Government of Somalia may undertake all necessary measures for the purpose of suppressing acts of piracy and armed robbery at sea off the coast of Somalia that are appropriate in Somalia and consistent with applicable international humanitarian and human rights law. The Council also invited States and regional organizations to conclude special agreements or arrangements with countries willing to take custody of pirates in order to embark law enforcement officials ("*shipriders*") from the latter countries, to facilitate the investigation and prosecution of persons detained as a result of operations conducted under resolution 1851 (2008).

Following the adoption of resolution 1851 (2008), the Security Council heard a briefing by the Secretary-General, Ban Ki-moon, on the political and security situation in Somalia. The Secretary-General welcomed the Council's actions with respect to the fight against piracy off the coast of Somalia but also emphasized that piracy in Somalia was a symptom of the anarchy that had persisted in the country for more than 17 years. Anti-piracy efforts, therefore, must be placed in the context of a comprehensive approach, he added. The meeting was chaired by the Prime Minister of the Republic of Croatia, H.E. Dr. Ivo Sanader. Statements were made by all Council members, including the Secretary of State of the United States of America, H.E. Ms. Condoleezza Rice; the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, H.E. The Right Honourable Mr. David Miliband, M.P.; the Minister for Foreign Affairs of the Russian Federation, H.E. Mr. Sergey Lavrov; the Vice Minister for Foreign Affairs of China, H.E. Mr. He Yafei, and Parliamentary Vice-Minister for Foreign Affairs of Japan, H.E. Mr. Yasutoshi Nishimura. Also participating at the meeting, among others, were the Minister for Foreign Affairs and International Cooperation of the Transitional Federal Government of Somalia, H.E. Mr. Ali Ahmed Jama Jengeli; the Minister of Foreign Affairs of Norway, H.E. Mr. Jonas Gahr Støre and the Permanent Observer for the League of Arab States to the United Nations, H.E. Mr. Yahya Mahmassani.

On 19 December, the Security Council unanimously adopted resolution 1853 (2008), by which it authorized the re-establishment of the Monitoring Group for a period of 12 months and added a fifth expert to handle the additional tasks it had assigned to an expanded mandate of the Group.

Sudan — UNAMID

On 19 December, the Security Council was briefed by the Under-Secretary-General for Peacekeeping Operations, Alain Le Roy, and the Under-Secretary-General for Field Support, Susana Malcorra, on the situation in Darfur, Sudan. Mr. Le Roy regretted that the progress in Darfur was much too slow in providing real benefits to ordinary citizens and inadequate in resolving the Darfur crisis, while Ms. Malcorra assured the members of the Council that, despite the volatile security environment, the full deployment of African Union-United Nations Hybrid Operation in Darfur remains a top priority for her team.

The meeting was followed by consultations of the whole on the issue.

Peace and security in Africa

At its meeting, held in private, on 15 December, the Security Council considered the item entitled "Peace and security in Africa", at which it discussed the situation in Zimbabwe. The meeting was chaired by the Prime Minister of the Republic of Croatia, H.E. Dr. Ivo Sanader. The Secretary-General, Ban Ki-moon, made an introductory briefing. The members of the Council, including, among others, H.E. The Right Honourable Mr. David Miliband, M.P., Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland; H.E. Ms. Condoleezza Rice, Secretary of State of the United States of America; and H.E. Mr. Karel de Gucht, Minister of Foreign Affairs of Belgium, had an exchange of views on the prevalent political and social-economic situation in the country and its effects on the subregion.

Asia

Afghanistan

On 4 December, the Security Council heard a briefing by Mr. Giulio Terzi di Sant'Agata, Head of the Security Council Mission to Afghanistan, Permanent Representative of Italy, in which he reported that the visit of the mission took place from 21 to 28 November 2008, guided by the agreed terms of reference. The main goal of the mission was to develop a first-hand assessment of the situation in that country.

Members of the mission had the opportunity to meet with a number of actors in Afghanistan during the visit, including President Hamid Karzai, the Speakers of the Upper and Lower Houses of Parliament, Chairmen of the Parliamentary Committees and other Members of Parliament, the Afghan Independent Human Rights Commission and Independent Electoral Commission, the Secretary General of NATO, and representatives of the International Security Assistance Force, members of the diplomatic community, civil society, international and national non-governmental organizations, United Nations Assistance Mission in Afghanistan (UNAMA) senior staff and the United Nations country team.

The mission visited the province of Herat and met there with the UNAMA regional representative, the provincial governor and other officials, as well as with representatives of a Provisional Reconstruction Team, all of whom underlined the importance of quick-impact assistance projects implemented by the Herat Provisional Reconstruction Team.

Iraq/Kuwait

On 10 December, Ambassador Gennady Tarasov, the Secretary-General's High-level Coordinator for missing Kuwaitis and third-country citizens and missing Kuwaiti property, briefed the Security Council in consultations of the whole, presenting the Secretary-General's report on the issue (S/2008/761). Following the consultations, the President of the Council read out a statement to the press, noting a lack of progress on exhumation activities and on clarifying the fate of the Kuwaiti national archives, expressing appreciation for the support offered by the United Nations Assistance Mission for Iraq (UNAMI) and noting the good intentions of the Governments of Iraq and Kuwait to cooperate on the issue. The members of the Security Council undertook to continue to monitor progress and looked forward to a comprehensive report by the Secretary-General in April 2009.

Iraq (Multi-National Force — Iraq)

On 22 December, the Security Council unanimously adopted resolution 1859 (2008), by which the Council decided to extend the arrangements for the Development Fund for Iraq and the arrangements for the monitoring by the International Advisory and Monitoring Board and decided that they should be reviewed at the request of the Government of Iraq on no later that 15 June 2009. The Security Council also decided to review resolutions pertaining specifically to Iraq, beginning with resolution 661 (1990). The Security Council welcomed Iraqi Foreign Minister, H.E. Mr. Hoshyar Zebari, who gave an update on the political, security and economic situation in Iraq. A number of Council members welcomed the adoption of the resolution as a clear expression of the progress achieved by Iraq and reiterated the importance of continued international support to Iraq in addressing the remaining challenges.

Special Tribunal for Lebanon

On 4 December, in consultations of the whole, the Under-Secretary-General for Legal Affairs, Patricia O'Brien, presented the Secretary-General's third report pursuant to resolution 1757 (2007) (S/2008/734) and briefed the members of the Council on steps taken by the Secretary-General towards entry into operation of the Special Tribunal for Lebanon. A number of Security Council members welcomed the advanced stage of preparations and reiterated their support to the establishment of the Special Tribunal.

Lebanon (International Independent Investigation Commission)

On 17 December, the Security Council unanimously adopted resolution 1852 (2008), by which the Council extended the mandate of the International Independent Investigation Commission until 28 February 2009, at the request of Commissioner Daniel Bellemare and Lebanese Prime Minister Siniora. Briefing the Council earlier on the same day, Commissioner Bellemare presented the latest report of the Secretary-General (S/2008/752) and said that the investigation had made progress since the previous report but indicated it would continue even after the Special Tribunal was up and running on 1 March 2009. The Council also heard a statement by the Permanent Representative of Lebanon, who expressed his Government's appreciation for the work of the Commission. In the consultations of the whole that followed, the members of the Security Council expressed their support for the work

of the Commission and commended Mr. Bellemare for his work as Commissioner. The members of the Council also reiterated their support to the Secretary-General's efforts for the rapid establishment of the Special Tribunal for Lebanon and his call on Member States to contribute to its financing.

Non-proliferation

In a briefing held on 10 December, the Chairman of the Committee established pursuant to resolution 1737 (2006) presented the quarterly report on the work of the Committee. Several members made statements following the presentation of the report.

The situation in the Middle East including the Palestinian Question

On 3 December, the Security Council held a debate to discuss the situation in connection with the Libyan ship which was headed to the Port of Gaza carrying humanitarian supplies. Members of the Council made statements. The Council also heard statements by the Permanent Observer for Palestine and the Permanent Representative of Israel. The Council did not reach any specific conclusion.

On 5 December, the Council addressed events in Hebron in consultations of the whole. Following the consultations, the President of the Council informally conveyed to the press that the members of the Council welcomed Israel's evacuation of settlers, condemned the resulting settler violence, urged respect for the rule of law without discrimination or exception and encouraged Israel and the Palestinian Authority to continue their security cooperation in the Hebron Governorate.

On 16 December, the Security Council adopted resolution 1850 (2008) by 14 votes in favour, with one abstention. The adoption was preceded by a Council debate with ministerial participation of several members and with the Prime Minister of the Republic of Croatia, Dr. Ivo Sanader, chairing. The Secretary-General also addressed the Council. Reiterating the vision of the two-State solution while noting the importance of the 2002 Arab Peace Initiative and the Quartet's ongoing work, the Council, in resolution 1850 (2008), declared its support for the Annapolis process and the irreversibility of the negotiations. The Security Council supported the parties' agreed principles for the bilateral negotiations, called on both parties to fulfil their obligations under the Road Map and refrain from any steps that could undermine confidence or prejudice the outcome of negotiations, and called on all States and international organizations to contribute to an atmosphere conducive to negotiations and to assist the Palestinian Authority. It urged intensified diplomatic efforts to foster mutual recognition and peaceful coexistence in the region in the context of achieving a comprehensive, just and lasting peace in the Middle East, and welcomed the consideration of an international meeting in Moscow in 2009.

On 18 December, the Security Council held an open debate on the situation in the Middle East, including the Palestinian question. The Council heard a briefing by the Special Coordinator for the Middle East Peace Process, Robert Serry, on the situation in Gaza and the West Bank. He also addressed the situation in Lebanon and the dynamics between the Syrian Arab Republic and Israel. He said that the main objective in the coming year was to sustain the political process during a period of transition, emphasizing the importance of the adoption of resolution 1850 (2008).

He appealed for the observance of basic humanitarian principles in Gaza and warned against the escalation of violence. The Security Council then heard statements by the Permanent Observer for Palestine and the Permanent Representative of Israel. Representatives of Brazil, Cuba, Qatar, Turkey, Japan, Iran (Islamic Republic of), Chile, Pakistan, Venezuela, Morocco, Norway, Australia, Iceland, and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People also addressed the Council.

On 28 December, after consultations of the whole that had begun the previous evening following the outbreak of violence in the Gaza Strip and southern Israel, the President of the Council read out a statement to the press, expressing serious concern at the escalation of the situation in Gaza and calling for an immediate halt to all violence, calling for all parties to address the serious humanitarian and economic needs in Gaza and stressing the need for the restoration of calm in full, which will open the way for finding a political solution.

On 31 December, the Security Council held an emergency meeting on the situation in the Gaza Strip and southern Israel. The Secretary-General addressed the Council, emphasizing profound concern that the Security Council's call for an end to the violence had gone unheeded and emphasized the suffering of the civilian population in Gaza, saying that all parties must fully uphold international humanitarian law. He stressed the need for decisive action and welcomed efforts by European and Arab leaders. The Permanent Observer for Palestine and the Permanent Representative of Israel also addressed the Council. Members of the Council made statements, followed by the representatives of Egypt and the Permanent Observer for the League of Arab States.

United Nations Disengagement Force

On 10 December, in consultations of the whole, the Council heard a short briefing by the Director of the Asia and Middle East Division of the Department of Peacekeeping Operations, Wolfgang Weisbrod-Weber, who presented the report of the Secretary-General on the United Nations Disengagement Observer Force (UNDOF) (S/2008/737). Members of the Security Council expressed support for UNDOF and for the goal of a just, lasting and comprehensive peace in the Middle East. Earlier on the same day, the Council held a private meeting with the countries contributing troops to UNDOF.

On 12 December, the Council unanimously adopted resolution 1848 (2008), extending the mandate of UNDOF for a period of six months, until 30 June 2009, and adopted the accompanying statement of the President (S/PRST/2008/46), in which the President of the Council, in connection with resolution 1848 (2008), was authorized to reiterate that the report of the Secretary-General on UNDOF (S/2008/737), in its paragraph 11, stated that "the situation in the Middle East is tense and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached", and that that statement of the Secretary-General reflected the view of the Security Council.

United Nations Regional Centre for Preventive Diplomacy for Central Asia

On 10 December, the Security Council held consultations on the work of the United Nations Regional Centre for Preventive Diplomacy for Central Asia. The consultations opened with a briefing by the Special Representative of the Secretary-

General for Central Asia, Miroslav Jenča. He informed the Council about the establishment (December 2007) and recent commencement of activities (June 2008) of the Centre.

He also informed the Security Council that the Centre had adopted an Action Plan 2009-2011, covering the following areas: (a) cross-border threats (terrorism, drug trafficking and organized crime); (b) environmental protection and resources management, especially water and energy sources; and (c) regional consequences arising from the conflict in Afghanistan and a regional approach to the stabilization of the situation in Afghanistan.

Following the consultations, the President of the Council read out an agreed press statement, in which the Council welcomed the briefing by the Special Representative of the Secretary-General, and welcomed the engagement by the Centre with Governments of the region and regional organizations on issues relevant to preventive diplomacy and supported the efforts of the Centre to facilitate dialogue and assist the Governments of Central Asia on regional issues of common concern.

Europe

Cyprus

On 5 December, the Security Council held a private meeting with troop-contributing countries to the United Nations Peacekeeping Force in Cyprus (UNFICYP), at which they were briefed about the situation in Cyprus and developments relevant to the UNFICYP mandate there. Later that same day, the Security Council held closed consultations in which it discussed the report of the Secretary-General (S/2008/744) of 28 November 2008. Council members were briefed by the Special Representative of the Secretary-General, Tayé-Brook Zerihoun, who informed the Council of the good progress of the fully fledged negotiations that had been launched on 3 September and the prospect of a comprehensive and durable settlement for Cyprus that they had created.

On 12 December, the Security Council unanimously adopted resolution 1847 (2008), in which it decided to extend the mandate of UNFICYP until 15 June 2009.

Bosnia and Herzegovina

On 5 December, the Security Council held a debate on the situation in Bosnia and Herzegovina. The Council was briefed by the High Representative, Miroslav Lajčak, who presented his third report on the situation in Bosnia and Herzegovina to the Council. He reported on the progress that was achieved in Bosnia and Herzegovina, including the signing of a Stabilization and Association Agreement with the European Union, though he noted that nationalist rhetoric threatened to dampen the momentum of positive trends. The Council also heard from H.E. Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, who concluded that 2008 had been a successful year in Bosnia and Herzegovina.

Subsidiary bodies

On 15 December, the Security Council held a briefing of the five outgoing Permanent Representatives in their capacities as Chairmen of subsidiary bodies of the Council.

Ambassador Jan Grauls of Belgium reported on the activities of the Committee established pursuant to resolution 1267 (1999), concerning Al-Qaida and the Taliban, the Committee established pursuant to resolution 1572 (2004), concerning Côte d'Ivoire, and the Committee established pursuant to resolution 1737 (2006), concerning non-proliferation and the Islamic Republic of Iran.

Ambassador Marty Natalegawa of Indonesia reported on the work of the Committee established pursuant to resolution 918 (1994), concerning Rwanda, the Committee established pursuant to resolution 1533 (2004), concerning the Democratic Republic of the Congo, and the Working Group on Peacekeeping Operations.

Ambassador Giulio Terzi di Sant'Agata of Italy reported on the work of the Committee established pursuant to resolution 1591 (2005), concerning the Sudan, and the Committee established pursuant to resolution 1718 (2006), concerning the Democratic People's Republic of Korea.

Ambassador Ricardo Alberto Arias of Panama reported on the activities of the Informal Working Group on Documentation and Other Procedural Matters.

Ambassador Dumisani Shadrack Kumalo of South Africa reported on the work of the Committee established pursuant to resolution 751 (1992), concerning Somalia, and the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa.

Other matters

International Criminal Court

On 3 December, the Security Council held a debate and was briefed by the Prosecutor of the International Criminal Court, Luis Moreno Ocampo, who presented his eighth report pursuant to resolution 1593 (2005), describing the extent of cooperation, as well as the investigative and monitoring activities undertaken in three Darfur cases, namely, the prosecutorial cases against Ahmad Harun and Ali Kushyab, against Omar Al Bashir and against the rebel commanders for the Haskanita attack. Members of the Security Council expressed concern regarding the climate of impunity and the ongoing violence in Darfur, which targets innocent civilians, peacekeepers and humanitarian workers alike. The question of cooperation with the Government of the Sudan and all other parties to the conflict in Darfur was also raised, as well as the need for a comprehensive settlement to the conflict.

International Criminal Tribunal for the former Yugoslavia and International Criminal Tribunal for Rwanda

On 12 December, the Council held a debate to hear a briefing on the completion strategies of the International Criminal Tribunal for the former Yugoslavia by its President, Judge Patrick Robinson, and its Prosecutor, Serge

Brammertz, and on the completion strategies of the International Criminal Tribunal for Rwanda by its President, Judge Dennis Byron, and its Prosecutor, Hassan Bubacar Jallow. They presented their respective assessments of the implementation of the completion strategies of the Tribunals (S/2008/729, S/2008/726). Pointing to the continuing impunity enjoyed by some leaders responsible for the gravest crimes, they emphasized that the end of the mandate of the Tribunals should not signal that those persons were safe from justice. Members of the Security Council urged the Tribunals to continue to work on completing their respective mandates as early and as expeditiously as possible, without jeopardizing the fairness of the process.

The representative of Belgium, who facilitated the work of the Security Council Informal Working Group on the International Tribunals, briefed the Council on the progress achieved by the Informal Working Group on the issue of the establishment of a residual mechanism to carry out certain essential functions of the Tribunals after the closure of the Tribunals. The representatives of Rwanda, Serbia, Bosnia and Herzegovina and Kenya participated in the discussion in accordance with rule 37 of the provisional rules of procedure of the Council.

On 12 December, the Council unanimously adopted resolution 1849 (2008), authorizing the Secretary-General to appoint additional ad litem judges to the International Criminal Tribunal for the former Yugoslavia, temporarily exceeding the statutory maximum until 28 February 2009.

On 19 December, the Council unanimously adopted resolution 1855 (2008), in which it decided that the Secretary-General may appoint up to three additional ad litem judges to the International Criminal Tribunal for Rwanda, temporarily exceeding the statutory maximum until 31 December 2009.

On 19 December, the Security Council also adopted a presidential statement (S/PRST/2008/47), in which it took note of the presentations made on 12 December 2008 by the Presidents and Prosecutors of the Tribunals. Noting with concern that the 2010 deadline was not likely to be met, the Council emphasized that trials must be conducted by the Tribunals as quickly and efficiently as possible. It reaffirmed the necessity of persons indicted by the Tribunals being brought to justice, and called on all States to intensify cooperation with the Tribunals. In that context, the Council reaffirmed that the referral of cases to competent national jurisdictions was an essential part of the completion strategies of the Tribunals. The Council expressed its appreciation for the work of its Informal Working Group on the International Tribunals. The Council acknowledged the need to establish an ad hoc mechanism to carry out a number of essential functions of the Tribunals, including the trial of high-level fugitives, after the closure of the Tribunals, which would derive its authority from a Security Council resolution and from the respective statutes and rules of procedure of the Tribunals.

Threats to international peace and security caused by terrorist acts

On 9 December, the President of the Republic of Croatia, H.E. Mr. Stjepan Mesić, chaired an open debate on threats to international peace and security caused by terrorist acts. The Council was briefed by the Secretary-General, Ban Ki-moon. In advance of the meeting, Croatia had circulated a concept paper (S/2008/738, annex), focusing on revitalizing and strengthening international solidarity in combating the threat of terrorism, including the strengthening of the leading role of the United Nations in global counter-terrorism efforts.

The Secretary-General stressed that, as a leading threat to international security, terrorism had to be one of the international community's main priorities. He added that the best response to a corrosive, malevolent ideology is a strong assertion of collective resistance. The Secretary-General emphasized that the international community needs to defend the human rights that terrorism so brutally violates, and urged the defence of values enshrined in the Universal Declaration of Human Rights. The United Nations has a responsibility to lead international efforts to confront this menace. The adoption by the General Assembly of the Global Counter-Terrorism Strategy in 2006 was a landmark event, and United Nations mechanisms, such as the Counter-Terrorism Implementation Task Force and subsidiary bodies of the Council, were also important parts of the picture. Referring to the attacks on the United Nations offices in Baghdad, Algeria and Somalia, the Secretary-General stated that while it was more apparent than ever that the United Nations has become a deliberate target, these tragedies have deterred neither its will nor its ability to serve the international community.

Following the briefing, there were statements by 46 States, both members and non-members of the Security Council. Council members reaffirmed their commitment to pursue the struggle against terrorism, and with many speakers noting that their countries had experienced that scourge, most also agreed about the need for a revitalized and unified anti-terrorism effort and the need for a multidimensional approach. Many Council members also stressed the need for political and developmental initiatives to deal with conditions conducive to terrorism, as well as a renewed combat against money-laundering, drug trafficking and other networks that aided global terrorism.

At the end of the debate, the Council adopted a presidential statement (S/PRST/2008/45), in which it reiterated its condemnation of terrorism in all forms and manifestations and emphasized the central role of the United Nations in the global struggle against terrorism. The Security Council welcomed recent statements made by intergovernmental organizations condemning all forms of terrorism, including suicide bombing and hostage taking. The Council reaffirmed the importance of resolutions 1373 (2001) and 1624 (2005) and the work of the three committees established pursuant to resolutions 1267 (1999), 1373 (2001) and 1540 (2004). It also emphasized the importance of technical assistance aimed at increasing the capabilities of Member States in the fight against terrorism by addressing their counter-terrorism needs.

Furthermore, the Council called on all Member States to express support for the United Nations Global Counter-Terrorism Strategy. It emphasized the need to enhance dialogue and broaden understanding among civilizations, condemned incitement to terrorist acts and reaffirmed the importance of countering radicalization and extremism. The Council reminded States that they must ensure that any measures taken to combat terrorism comply with all their obligations under international law, in particular international human rights, refugee and humanitarian law. The Security Council called on all Member States to renew the degree of solidarity manifested immediately after the tragic event of 11 September 2001, and to redouble efforts to tackle global terrorism.

United Nations S/2009/329

Security Council

Distr.: General
29 June 2009

Original: English

Note verbale dated 28 June 2009 from the Permanent Mission of Honduras to the United Nations addressed to the President of the Security Council

The Permanent Mission of Honduras to the United Nations presents its compliments to the Permanent Mission of Turkey to the United Nations, in its capacity as President of the Security Council, and has the honour to transmit the following statement, addressed to the Secretary-General of the United Nations and to the President of the General Assembly, in reference to the state of emergency taking place in the Republic of Honduras (see annex).

The Permanent Mission of Honduras to the United Nations requests that the present note verbale and its annex be circulated to the Members of the Council and be distributed as a document of the Security Council.

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Annex to the note verbale dated 28 June 2009 from the Permanent Mission of Honduras to the United Nations addressed to the President of the Security Council

Statement of His Excellency Mr. Jorge Arturo Reina, Permanent Representative of Honduras to the United Nations, addressed to the international community

New York, 28 June 2009

In consequence to the Democratic and Constitutional breaking in the Republic of Honduras:

1. First to demand respect for and the physical integrity of the President of the Republic of Honduras and his family.

2. To re-establish the President of the Republic of Honduras, H.E. Jose Manuel Zelaya Rosales, in the full exercise of his constitutional functions, elected directly by the people of Honduras.

3. To reject and repulse any intent to substitute the President, since the President has not in any moment abandoned the Presidency and thus cannot be substituted.

4. Replacing the President with the President of the Congress is not only illegal but is an attempt to legitimize the coup d'état.

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Tenth report of the Secretary-General on Security Council resolution 1701 (2006)

I. Introduction

1. The present report is the tenth report of the Secretary-General on the implementation of Security Council resolution 1701 (2006). It provides a comprehensive assessment of the implementation of the resolution since the previous report of the Secretary-General was issued on 3 March 2009 (S/2009/119).

2. During the reporting period, the cessation of hostilities between Israel and Lebanon generally continued to hold. I am pleased to report that all parties continue to express their support for and commitment to the implementation of resolution 1701 (2006). However, a number of unresolved issues, described in detail in the present report, continue to render the state of the cessation of hostilities precarious and to hinder an agreement on a permanent ceasefire between Lebanon and Israel. Their resolution is also required in order to move towards a long-term solution between the two countries. The handover to the United Nations Interim Force in Lebanon (UNIFIL) of strike data relating to cluster bombs used by Israeli military forces in the 2006 war was a significant development in the reporting period.

3. On 7 June, parliamentary elections were held in Lebanon. International observation missions considered them to have been largely free and fair. Although isolated incidents were recorded during the campaign and on election day, the electoral process was by and large held in a relatively calm atmosphere. According to official results released by the Ministry of the Interior, 71 seats were won by candidates belonging to the 14 March alliance and 57 seats were won by candidates from the 8 March alliance. At the time of writing, the process of consultations for the formation of the next Government in Lebanon had just begun.

4. The period under review saw the completion of the process leading to the establishment of full diplomatic relations between Lebanon and the Syrian Arab Republic. On 20 April, the Ambassador of Lebanon to the Syrian Arab Republic arrived in Damascus to take up his post. The Ambassador of the Syrian Arab Republic to Lebanon presented his credentials to the President of Lebanon, Michel Sleiman, on 29 May. Both countries now operate embassies in each other's capitals.

5. In Israel, a new coalition Government, with Likud leader Benjamin Netanyahu as Prime Minister, was sworn in on 31 March.

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6. The commitment of both the recently established Government of Israel and the future Government of Lebanon, to be formed after the recent elections, will be critical for the continued implementation of resolution 1701 (2006) and for further progress to be made in that respect. I took note of the reiteration by the Permanent Representative of Lebanon to the United Nations, in his identical letters to the President of the Security Council and to me dated 11 June 2009, of the commitment of Lebanon to the full implementation of resolution 1701 (2006) and of his Government's assessment of the current status of the implementation of the resolution (see A/63/882-S/2009/30). In a letter to the Secretariat dated 15 June, the Permanent Representative of Israel to the United Nations also reiterated her Government's commitment to the implementation of resolution 1701 (2006) and provided further comments regarding the implementation of the resolution.

II. Implementation of Security Council resolution 1701 (2006)

7. The parties maintained their declared commitment to Security Council resolution 1701 (2006) and continued to engage with the United Nations towards its implementation during the reporting period. The cessation of hostilities was generally upheld. Sporadic incidents and violations were promptly addressed and contained through the existing liaison and coordination arrangements UNIFIL maintains with the parties. The parties, in cooperation with UNIFIL, continued to visibly mark the line of withdrawal (the so-called Blue Line) to prevent inadvertent violations. Israeli air violations continued on an almost daily basis during the reporting period. The Lebanese Armed Forces maintained their operational tempo despite some redeployment of troops from southern Lebanon driven by operational demands elsewhere in the country. The Israel Defense Forces continue to control the part of the village of Ghajar and the adjacent area north of the Blue Line in violation of resolution 1701 (2006). Efforts to facilitate the full withdrawal of the Israel Defense Forces from the area continued.

8. A large-scale home-front exercise in Israel, which was conducted from 31 May to 4 June, caused some apprehension in Lebanon, especially given its timing — days before the Lebanese elections. UNIFIL was in close contact with the parties and communicated necessary clarifications obtained from the Israel Defense Forces about the defensive nature of the exercise and the fact that it was pre-planned and unrelated to current events in Lebanon. UNIFIL liaison and coordination arrangements with the parties helped to prevent misunderstandings, which could have led to an unwarranted rise in tension.

9. On 20 May, the Permanent Representative of Lebanon to the United Nations, through identical letters addressed to the President of the Security Council and to me, conveyed information about a series of arrests of individuals in Lebanon charged with belonging to Israeli spying networks allegedly operating in Lebanon (A/63/860-S/2009/264). The letters also cited some cases of individuals suspected of belonging to those networks who had reportedly escaped into Israel, allegedly with support from the Israel Defense Forces. In a second letter, dated 2 June, the Permanent Representative of Lebanon provided a further update on the issue (A/63/870-S/2009/287).

10. According to the Government of Lebanon, from 7 June 2006 to date more than 35 arrests have been made in connection with alleged participation in Israeli spying

networks operating in Lebanon. According to official sources, at least 14 persons were charged with espionage. In addition, the Government of Lebanon maintains that three individuals, who had been charged with spying for Israel, crossed the technical fence from southern Lebanon into Israel, in two cases accompanied by family members, on three different dates and allegedly with the assistance of the Israeli army.

A. Situation in the UNIFIL area of operations

11. The situation in the UNIFIL area of operations remained generally quiet, and there were no serious breaches of the cessation of hostilities during the reporting period. Investigations by the Lebanese authorities are still under way into the rocket-launching incidents of 17 June 2007, 8 January 2008, 8 and 14 January 2009 and 21 February 2009. No suspects have been identified thus far, and there have been no claims of responsibility.

12. The Israel Defense Forces continued their occupation of the part of the village of Ghajar, and an adjacent area of land, that lies north of the Blue Line, in violation of resolution 1701 (2006). Notwithstanding the obligation of Israel to withdraw from the area, one year ago UNIFIL submitted a proposal to facilitate the full withdrawal of the Israel Defense Forces. As I stated in my previous report (S/2008/715, para. 9), the Government of Lebanon expressed its readiness to accept the UNIFIL proposal in August 2008. In November 2008, the Government of Israel expressed its willingness to initiate discussions on the UNIFIL proposal. Since my last report, UNIFIL has had two meetings, on 5 March and 21 April, with the Ministry of Foreign Affairs of Israel in which key issues related to the UNIFIL proposal were discussed. My Special Coordinator for Lebanon also consistently raised this issue with officials from the Ministry of Foreign Affairs during his visits to Israel during the reporting period. Israeli officials reaffirmed their commitment to resolving the issue as soon as possible, but said that they were not in a position to provide a definitive response to the UNIFIL proposal, as the new Government of Israel was undertaking a comprehensive policy review. The United Nations has not yet been informed of the Government's position on this issue.

13. In the identical letters addressed to me and to the President of the Security Council on 2 June 2009, the Permanent Representative of Lebanon to the United Nations stated that between 7 and 18 May 2009, a number of Lebanese citizens suspected of collaborating with Israel were believed to have crossed the Blue Line and the technical fence into Israel (two accompanied by family members), with the assistance of the Israel Defense Forces. The same information had been provided to UNIFIL by the Lebanese Armed Forces on 19 May. UNIFIL did not observe any illegal crossings of the Blue Line on those dates and is not in a position to independently confirm or deny the claims. On 20 May, UNIFIL requested the Israel Defense Forces to provide any information they may have on this issue, as a matter of urgency. The Israel Defense Forces replied on 9 June, acknowledging the UNIFIL request, and said that they would undertake to inform UNIFIL if relevant details became available.

14. On 3 March 2009, an Israeli soldier on patrol fired at least two rounds towards Lebanese territory in the general area of Addaisseh (Sector East), endangering civilians and Lebanese Armed Forces personnel at a nearby position. The rounds

struck a wall, on which was painted an anti-Israel mural, and a pavement. The Israel Defense Forces accepted responsibility for the incident and disciplined the soldier involved, but contended that it had been an accidental discharge and that there had been no hostile intent.

15. On 6 March, two individuals suspected of involvement in drug-smuggling activities across the Blue Line were arrested by the Lebanese Armed Forces in the vicinity of the village of Rmeich (Sector West), and Israeli authorities arrested a suspect on the Israeli side of the Blue Line.

16. Several incidents and minor violations of the Blue Line occurred during the reporting period, mainly in the vicinity of the village of Blida (Sector East) where the Blue Line cuts through farmland cultivated by local farmers. The farmers continued to cultivate the land, violating the Blue Line on a number of occasions. Discussions are continuing in the tripartite forum to find a solution to the issue. There were also a number of minor ground violations by shepherds who crossed the Blue Line accompanied by their livestock. Lebanese Armed Forces and UNIFIL troops positioned close to the Blue Line continue to warn the local population about the location of the Line to prevent inadvertent violations. While these types of incidents have not escalated during the reporting period, their continuation underlines the importance of accelerating the visible marking of the Blue Line.

17. There continued to be steady progress in the pilot project to visibly mark the Blue Line, which is currently divided into three sectors totalling 20.5 km. To date, coordinates for 40 points have been agreed with the parties: 17 markers have already been installed, 8 markers are under construction and 15 coordinates are to be measured by the parties. It was also agreed by the parties that UNIFIL would unilaterally mark one additional point. The parties have reiterated their commitment to the process and their interest in speeding up marking on the ground. To this end, UNIFIL has increased the number of its combat engineering companies working on the project to augment access clearance, including through minefields.

18. During the reporting period, the Lebanese Armed Forces commenced work on a two-stage plan to build a road parallel to the Blue Line, with the first stage of the project expected to take approximately two years to complete. UNIFIL engineering assets are providing initial support to the construction. The main purpose of the road is to allow the Lebanese Armed Forces and UNIFIL to better patrol and control the area in the vicinity of the Blue Line and to react more rapidly in response to incidents along the Line.

19. Israeli aircraft and unmanned aerial vehicles continued to intrude into Lebanese airspace almost daily in violation of Lebanese sovereignty and resolution 1701 (2006). UNIFIL protested all overflights to the Israel Defense Forces. The Government of Lebanon also protested the overflights, while the Government of Israel maintained that they were necessary security measures, citing alleged lack of enforcement of the arms embargo.

20. UNIFIL and the Lebanese Armed Forces maintained their respective installations and conducted daily activities at a high operational tempo. Both forces continued efforts to enhance the efficiency of their coordinated activities. The two forces continued operating six co-located checkpoints on the Litani River. The checkpoints effectively demonstrated the coordinated presence of the Lebanese Armed Forces and UNIFIL at the important northern entry points to the UNIFIL

area of operations. The Lebanese Armed Forces increased the vehicle checking and search rate during times of increased tension or alerts. On a daily basis, the two forces also operated two permanent checkpoints and five checkpoints in randomly selected locations in the area of operations, in addition to three coordinated foot patrols along the Blue Line. UNIFIL and the Lebanese Armed Forces conducted an average of 15 counter-rocket-launching operations each 24-hour period, day and night, during which troops patrol a selected area by vehicle and on foot and establish temporary observation posts and checkpoints to stop and check vehicles and persons moving in the area. In an effort to prevent the launching of rockets or smuggling activities across the Blue Line, UNIFIL conducted special patrols and observation activities focusing on sensitive areas, including long-range patrols by the quick reaction force and the establishment of night observation posts in response to threat assessments.

21. A number of joint training exercises between UNIFIL and the Lebanese Armed Forces were carried out in the reporting period, including an artillery exercise; a combined earthquake contingency exercise in southern Lebanon is in the planning stages. Following the decision of the Lebanese Armed Forces Command to establish a civil-military cooperation and military community outreach unit in its structure, UNIFIL provided civil-military training for designated Lebanese Armed Forces staff. Regular joint training and exercises by the UNIFIL Maritime Task Force and the Lebanese navy continued. During operational training periods at sea, the functioning of the Coastal Radar Organization, as well as the ability of the Lebanese naval chain of command to react to unexpected events, proved to be effective. For the first time, personnel of the Lebanese Customs Department took part in the training activities. While UNIFIL continues its training activities to build capacity within the Lebanese Armed Forces on land and at sea, material and technical support remains essential if the Lebanese Armed Forces are to gradually assume responsibility over the UNIFIL area of operations and the maritime entry points into Lebanon.

22. UNIFIL continued to exercise full freedom of movement, in general, throughout its area of operations, carrying out more than 10,000 patrols each month. On a few occasions, UNIFIL patrols were temporarily stopped by local civilians. In each case, the incidents were brief and were resolved on the ground with the assistance of the Lebanese Armed Forces, who helped to clarify any misunderstandings with the local authorities. On 28 April, a UNIFIL patrol, while securing the area and taking pictures and grid references of unexploded ordnance next to a house in the vicinity of a village north of Markaba (Sector East), was surrounded by a group of civilians and temporarily blocked by civilian vehicles. In another incident, on 8 March, local civilians in the general area of Bint Jubayl (Sector West) impeded the freedom of movement of a UNIFIL patrol that was pursuing two civilians carrying hunting rifles. As a result, the civilians carrying hunting rifles could not be apprehended. In addition, UNIFIL activities were monitored on occasion by civilians in various areas.

23. There was a relative increase in instances of civilians, mostly children and young people, throwing stones at UNIFIL patrols in some areas close to the Blue Line, as well as during the funeral procession of a Lebanese Armed Forces soldier killed in a traffic accident with a UNIFIL vehicle.

24. With the exception of the above-mentioned incidents, the attitude of the local population towards UNIFIL continued to be generally positive. The mission's outreach components played an important role in engaging the local population and ensuring its understanding of the UNIFIL mandate and daily operational activities. Those activities have been supported by a number of new social media channels. The provision of humanitarian, infrastructural and capacity-building support, particularly through the activities of troop-contributing countries and the implementation of quick-impact projects funded through the UNIFIL budget, continued to help build the local population's confidence in the mission and its mandate. In this regard, civil affairs and civil-military cooperation components undertook a series of environmental initiatives during the reporting period, working in cooperation with international and local governmental and non-governmental organizations.

25. UNIFIL continued to assist the Lebanese Armed Forces in establishing an area between the Blue Line and the Litani River free of any armed personnel, assets and weapons other than those of the Government of Lebanon and UNIFIL, in accordance with resolution 1701 (2006). The Lebanese Armed Forces and UNIFIL continued to undertake intensive and coordinated measures, as described above, specifically aimed at preventing the possible smuggling of weapons across the Litani River, discovering and removing all weapons and related materiel that may still be present in the area and ensuring that there are no armed elements in the area.

26. During the reporting period, those efforts resulted in the discovery of 17 additional abandoned bunkers and other military infrastructure dating back to the 2006 war or before, one of which was surrounded by cluster munitions and other booby traps. There was no evidence of recent use in any of those positions. UNIFIL routinely checked former armed element facilities in the area of operations, including bunkers and caves, but did not find any indication that they had been reactivated or any evidence of new military infrastructure in its area of operations. Some ammunition was also found and was handed over to the Lebanese Armed Forces. In addition, on 4 April, UNIFIL discovered a detonator connected to a slow-burning cord in the hippodrome in Tyre. On 16 April, in the vicinity of Tyre, a Lebanese civilian reported to the Lebanese Armed Forces that there was a suspicious object in his motorbike, which, upon investigation, was found to be booby-trapped with one 60 mm mortar grenade linked to two detonators with approximately 250 g of explosives and some matches. In both instances, the devices were not primed to detonate. On 28 May, UNIFIL, acting on information from a Lebanese civilian, discovered a bag containing approximately 10 kg of explosives, one rocket fuse and some wire, which, although not assembled as a device, had been placed alongside a road east of Marrakah (Sector West). The Lebanese Armed Forces initiated investigations into all cases.

27. UNIFIL did not encounter any unauthorized armed personnel in the area of operations during the reporting period, with the exception of civilians armed with hunting rifles despite the Government ban on hunting and the carrying of weapons inside the area. The Lebanese Armed Forces acted to arrest alleged hunters, although some managed to flee, and reminded the local population of the general ban on hunting, as well as the ban on the carrying of weapons inside the area, issuing official statements to the media to that effect.

28. The Government of Israel maintains that Hizbullah is continuing to build its military presence and capacity, largely north of the Litani River, but also inside the UNIFIL area of operations using, in particular, private houses in urban areas. As stated in previous reports, UNIFIL, in collaboration with the Lebanese Armed Forces, immediately investigates any claims regarding the illegal presence of armed personnel or weapons within its area of operations if specific information is received. In seeking to ensure that there are no unauthorized armed personnel, assets or weapons inside its area of operations, UNIFIL remains determined to act with all necessary means within its mandate and to the full extent within its rules of engagement. However, according to its mandate, UNIFIL cannot search private houses and properties unless there is credible evidence of a violation of resolution 1701 (2006), including an imminent threat of hostile activity emanating from that specific location. To date, UNIFIL has neither been provided with, nor found, evidence of new military infrastructure or the smuggling of arms into the area of operations.

29. UNIFIL, in collaboration with the Lebanese Armed Forces, is constantly improving monitoring and control of the entry points across the Litani River. UNIFIL also patrols throughout its area of operations, including in urban areas, and conducts surveillance and monitoring activities, particularly at entry points and suspicious areas. In addition, the Lebanese Armed Forces Command has confirmed that it will investigate any claims and will act immediately on receiving evidence of unauthorized armed personnel or weapons in the area and put a stop to any illegal activity in contravention of resolution 1701 (2006) and relevant Government decisions, specifically concerning the illegal presence of armed personnel and weapons.

30. The UNIFIL Maritime Task Force continued its dual mandate of carrying out maritime interdiction operations along the Lebanese coast, including near the country's sea borders, to prevent the entry of unauthorized arms and related materiel, as well as training of the Lebanese navy. Since the start of its mission in October 2006, the Maritime Task Force has hailed and queried almost 25,000 ships in its area of operations. Since my last report, an additional 72 inspections had been carried out on vessels that were identified as suspicious, increasing the total number to 312 since the inception of the Maritime Task Force. Of the 72 inspections since the last report, the Maritime Task Force requested 42. The Lebanese navy and Lebanese customs inspected the vessels to verify that there were no unauthorized arms or related materiel on board and cleared all of them. During the inspection of a vessel on 8 May, the Lebanese authorities discovered one Lebanese citizen who had embarked the vessel illegally in a foreign port. The person was arrested and handed over to the Sûreté Générale for further investigation. Since my last report, the Lebanese navy has regularly assumed responsibility inside the territorial waters for hailing vessels approaching the main Lebanese ports, while the Maritime Task Force has assumed a monitoring role.

31. During the reporting period, incidents occurred along the line of buoys almost daily. Israel Defense Forces south of the line of buoys dropped explosive charges in the area with increasing frequency, and on numerous occasions fired warning shots and flares along the buoy line. The Israel Defense Forces stated that these were security measures against Lebanese fishing vessels approaching or crossing the line of buoys. While UNIFIL has no mandate to monitor the line of buoys, which Israel installed unilaterally and which the Government of Lebanon does not recognize, the

issue has been raised in the tripartite forum, and the Force Commander has expressed his concern that the incidents contribute to increasing tension between the parties. The Israel Defense Forces proposed that the tripartite mechanism also discuss maritime issues, specifically activities and security measures on either side of the lines of buoys. The Government of Lebanon requested UNIFIL to install a line of buoys in conformity with international standards.

B. Security and liaison arrangements

32. The monthly tripartite meetings, chaired by the Force Commander, with senior representatives of the Lebanese Armed Forces and the Israel Defense Forces, remain the central mechanism for liaison and coordination and a means to identify measures to address security and military operational issues with the parties. Violations of resolution 1701 (2006) were discussed, and the parties endorsed the findings of UNIFIL investigations into the rocket attacks carried out in January and February 2009 and the recommendations to undertake specific measures to prevent a reoccurrence of such attacks. The Under-Secretary-General for Peacekeeping Operations attended the tripartite meeting held on 6 May 2009 and highlighted the importance of the forum for reducing the risk of incidents escalating into hostilities or misunderstandings leading to confrontation. During the meeting, the parties reiterated their commitment to resolution 1701 (2006) and underscored the significance of the tripartite meetings in enhancing stability and avoiding unilateral actions that could raise tension.

33. Regular exchanges between UNIFIL and the Lebanese Armed Forces senior command continued during the reporting period and ensured a closely coordinated strategic approach to the activities of the two forces. Daily liaison at various levels remained close, facilitating efficient coordination at the operational and tactical levels. The Lebanese Armed Forces maintained liaison officers at UNIFIL headquarters in Naqoura and at Sector headquarters, while UNIFIL continued to have a liaison officer stationed with Lebanese Armed Forces headquarters, south Lebanon, in Tyre.

34. In April, the Lebanese Armed Forces informed UNIFIL that they would make necessary adjustments to the deployment of their troops throughout the country, including in the UNIFIL area of operations, prior to the forthcoming parliamentary elections, with the aim of maximizing deployment and enhancing mobility. As a first step, in late April the Lebanese Armed Forces reduced their presence in the area south of the Litani River to three brigades, one heavy and two light, and one mechanized battalion. In mid-May, one of the two light brigades was reinforced with one artillery and one tank battalion, thus increasing its strength from 1,100 to 1,700 personnel. The Lebanese Armed Forces are also planning to reinforce the second light brigade in the same way later this year, which would bring the Lebanese Armed Forces deployment in the UNIFIL area of operations back to approximately 5,500 troops, organized in three heavy brigades. Concurrently, the Lebanese Armed Forces are reinforcing their presence in areas north of the Litani River, thereby strengthening their control over access points to the UNIFIL area of operations. The redeployments and reinforcement of the three remaining Lebanese Armed Forces brigades in the UNIFIL area of operations are expected to provide the Lebanese Armed Forces with greater possibilities and flexibility to carry out operations in conjunction with UNIFIL.

35. Coordination and liaison with the Israel Defense Forces remained efficient. The UNIFIL Force Commander maintained effective relations with his Israel Defense Forces counterparts, as well as with other senior Israeli authorities. UNIFIL continued to have a liaison team with two officers at the Israel Defense Forces Northern Command headquarters in Zefat. There has been no progress on the establishment of the UNIFIL office in Tel Aviv during the reporting period, and the Israel Defense Forces have maintained their position that there is no need for the office.

C. Disarming armed groups

36. As I have reported previously, Hizbullah continues to maintain a substantial military capacity distinct from that of the Lebanese State, in contravention of resolutions 1559 (2004) and 1701 (2006). This military capacity continues to pose a serious challenge to the ability of the Lebanese State to exercise full sovereignty over its territory.

37. In interviews and statements during the reporting period, Hizbullah leaders have vowed that they will remain armed as long as Lebanon remains occupied and the State and the army are not capable of protecting the country, and that they now have an arsenal such as they have not had since 1982.

38. I also note that the Deputy Secretary-General of Hizbullah stated in an interview that Hizbullah had provided every type of support to Palestinian groups in Gaza, including military assistance over a long period.

39. The presence of Palestinian military bases operated by the Popular Front for the Liberation of Palestine-General Command and Fatah al-Intifada outside the officially established Palestinian refugee camps also continues to encroach on the sovereignty of Lebanon. The fact that some of those military bases straddle the border between Lebanon and the Syrian Arab Republic adds an additional challenge to the control of the border between both countries. I have called upon the Government of Lebanon to dismantle those bases and on the Government of the Syrian Arab Republic to cooperate with those efforts. The Permanent Representative of the Syrian Arab Republic to the United Nations, in his identical letters dated 30 April 2009 addressed to the President of the Security Council and to me, conveyed the position of his country on those matters, noting that the Syrian Arab Republic would not interfere in such matters unless requested by the competent Lebanese authorities. I understand that this issue was raised by the Lebanese authorities in May with the then-Chief of Staff of the Syrian army.

40. On 23 March, a roadside bomb outside the Saida Mieh Mieh camp killed the Deputy Representative of the Palestine Liberation Organization in Lebanon, Kamal Medhat, and three others. I condemned that terrorist attack. No party claimed responsibility, and an investigation is being carried out by Lebanese and Palestinian camp authorities. On 16 June, a low-ranking Fatah member was assassinated in the Saida Ein el-Hilweh camp. Notwithstanding those attacks, closer cooperation between Palestinian camp authorities and Lebanese authorities improved camp security over the reporting period, as illustrated by the fact that the situation remained calm during the elections. Despite those measures, tension within Palestinian refugee camps in Lebanon continues to have the potential to increase.

41. I continue to believe that the disarmament of all armed groups in Lebanon should take place through a Lebanese-led political process. In this connection, the National Dialogue on a defence strategy, which brings together the country's political leaders under the chairmanship of President Sleiman, held three further sessions during the reporting period, on 2 March, 28 April and 1 June, bringing the total to seven sessions since it was reconvened in accordance with the Doha agreement of May 2008.

42. In recent months, participants in the National Dialogue committed themselves to implementing the decisions adopted at the sessions of the National Dialogue held in 2006, including the dismantling of Palestinian bases outside the camps, and made a number of pronouncements in support of a peaceful process leading to the elections of 7 June. Finally, the National Dialogue has agreed on the establishment of mechanisms that would assist a future discussion of national defence strategy, on the basis of the proposals already received from members of the National Dialogue and of those that are expected to be submitted in the future.

D. Arms embargo

43. One of the key provisions of resolution 1701 (2006) is that the Government of Lebanon secure its borders and other entry points so as to prevent the entry in Lebanon without its consent of arms or related materiel. In the resolution, the Security Council further decided that all States were to prevent the sale or supply of arms and related materiel to entities or individuals in Lebanon by their nationals or from their territories or using their flag vessels or aircraft.

44. During the reporting period, the Common Border Force, staffed with elements from four Lebanese agencies (Armed Forces, Internal Security Forces, Customs and General Security), continued to operate along the 90 km of the northern border. Lebanese authorities reported an increase in the number of arrests and seizures of smuggled commercial goods made by the Common Border Force in the last quarter. On 26 May, the border crossing point between Lebanon and the Syrian Arab Republic at Bokaya was officially opened.

45. Following a decision of the Lebanese Cabinet on 20 December 2008, a draft operational plan for the deployment of a second Common Border Force along the northernmost 70 km of the eastern border with the Syrian Arab Republic, starting, as a first stage, with the northern part of that border, was developed during the reporting period. The Commander of the new Force, a Lebanese Armed Forces General, has already been appointed. Once the plan has been implemented, common border forces will be deployed along more than 50 per cent of the border between Lebanon and the Syrian Arab Republic.

46. The preparatory phase for this extension has commenced and is expected to last until 15 July 2009, with the full deployment of the Force in the new area of responsibility scheduled for completion by 1 April 2010. In line with one of the key recommendations of the Lebanon Independent Border Assessment Team II, my Special Coordinator facilitated donor coordination for the planning for the extension to the east. On 3 and 4 June, the Lebanese Armed Forces convened a workshop bringing together officials from the country's security agencies, key ministries and interested donors, with the assistance of my Special Coordinator, to review the draft workplan for the deployment of the Common Border Force to the east.

47. The Syrian authorities have informed my Special Coordinator that the deployment of Syrian troops along the border with Lebanon continues, noting that the deployment is being carried out in coordination with the Lebanese authorities. The Government of Lebanon has also informed me that cooperation and coordination with the Syrian Arab Republic on matters of management of the common border continues to take place regularly and satisfactorily.

48. The effective management of the borders of Lebanon, however, continues to be affected by the lack of demarcation of the border between Lebanon and the Syrian Arab Republic and by the continued presence of Palestinian military bases that straddle the border between both countries.

49. Since my last report on the implementation of resolution 1701 (2006), the Government of Lebanon and its agencies have not reported to the United Nations any incidents of arms smuggling into Lebanon. For its part, the Government of Israel continues to allege significant breaches of the arms embargo across the border between Lebanon and the Syrian Arab Republic. During my Special Coordinator's visit to Israel, the Government of Israel conveyed to him allegations that Hizbullah is continuing to rebuild its forces and that it possesses a significant number of missiles capable of striking Israel. Although the United Nations takes these allegations seriously, it is not in a position to verify the information independently.

E. Landmines and cluster bombs

50. The Lebanese Armed Forces assumed primary responsibility for the coordination of humanitarian clearance operations as from 1 January 2009 through the Lebanese Mine Action Centre. Coordination of clearance operations in south Lebanon is now managed by the Mine Action Centre from its Regional Mine Action Centre in Nabatieh. The United Nations Mine Action Coordination Centre now works exclusively in support of UNIFIL clearance and explosive ordnance disposal assets and as a liaison between the Lebanese Mine Action Centre and UNIFIL. In April 2009, the United Nations Mine Action Coordination Centre relocated from its base in Tyre to Naqoura to better support UNIFIL.

51. On 12 May, UNIFIL received from Israel technical strike data on the number, type and location of cluster munitions fired at Lebanon in the 2006 conflict and related maps with details regarding the three primary delivery mechanisms — aircraft, multiple rocket launching systems and 155 mm artillery — as well as alleged Hizbullah firing positions inside southern Lebanon. UNIFIL immediately informed the Lebanese authorities about the receipt of the data and handed it over to the Lebanese Armed Forces. At the time of writing, the strike data provided is being analysed and compared with the strike locations identified on the ground and submunitions and unexploded ordnance cleared since August 2006. The United Nations Mine Action Coordination Centre and the Lebanese Mine Action Centre have concluded the map assessment of the strike data, which is deemed to be useful, and ground assessments are being conducted in order to identify potential new strike locations.

52. During the reporting period, 12 additional cluster bomb strike locations were identified on the ground and recorded by the Regional Mine Action Centre in Nabatieh, bringing the total number of locations recorded thus far to 1,073. Since my last report, there have been seven incidents involving unexploded ordnance —

including cluster munitions — from the 2006 conflict, resulting in one death and six injuries. Those incidents bring the total number of fatalities and injuries among civilians since the end of the conflict to 28 and 244, respectively. In addition, there were two incidents involving landmines laid prior to 2000, resulting in the injury of three civilians during the reporting period. No accidents occurred during clearance operations in the period. Since August 2006, there have been 57 casualties due to clearance activities: 14 fatalities and 43 injuries.

F. Delineation of borders

53. In pursuance of the implementation of paragraph 10 of resolution 1701 (2006) and of paragraph 4 of resolution 1680 (2006), in which the Security Council called for the delineation of the border between Lebanon and the Syrian Arab Republic, I have continued to call on both Governments to reach an agreement on their common border.

54. Following the agreement reached by the Presidents of Lebanon and of the Syrian Arab Republic at their summit meeting in August 2008 to reactivate the Lebanese-Syrian border committee tasked with delineating the border between their countries, the Government of Lebanon has informed my Special Coordinator that its delegation to the joint border committee is headed by the Secretary-General of the Ministry of Foreign Affairs. The Government of Lebanon indicated that it has notified the Government of the Syrian Arab Republic accordingly, but that to date it has received no response. The Government of Lebanon has informed my Special Coordinator that, in the meantime, its delegation has been conducting periodic preparatory meetings.

55. On 29 March 2009, the President of the Syrian Arab Republic informed me that his Government would commence its delineation work on the border with Lebanon once it had concluded its work on the border of the Syrian Arab Republic with Jordan. On 27 May 2009, the Government of the Syrian Arab Republic informed my Special Coordinator that technical work on the Jordanian border had been completed and that contacts with the Government of Lebanon had been established with the aim of convening a meeting of the Lebanese-Syrian border delineation committee.

56. Since my previous report, there has been no progress on the issue of the Shab'a Farms area. In my report on the implementation of resolution 1701 (2006) issued on 30 October 2007 (S/2007/641), I provided a provisional definition of the Shab'a Farms area based on the best available information. The Government of Lebanon has already accepted the provisional definition as a reasonable and practical basis for removing one of the obstacles standing in the way of the establishment of a permanent ceasefire between Lebanon and Israel. Despite my repeated requests, I have not received any official responses to the provisional definition from either Israel or the Syrian Arab Republic.

III. Security and safety of the United Nations Interim Force in Lebanon

57. The safety and security of UNIFIL personnel remains a priority. The mission continued to receive sporadic threat warnings. UNIFIL and the Lebanese authorities and Lebanese Armed Forces maintained their cooperation and joint efforts to ensure that potential security threats to UNIFIL are addressed appropriately. Notwithstanding the obligation of all parties to ensure the safety and security of UNIFIL and the responsibility of the Government of Lebanon for law and order, UNIFIL continued regularly to review its procedures and focused on mitigating risk to its personnel, assets and installations, while ensuring mandate implementation. In this regard, in addition to electronic countermeasures to jam explosive devices, UNIFIL can rely on micro-unmanned aerial vehicles — a critical risk-mitigation asset to be utilized at the discretion of the Force Commander to enhance Force protection and civilian staff security.

58. Investigations by Lebanese and Spanish authorities continued into the 24 June 2007 attack against UNIFIL, which killed six peacekeepers serving with the Spanish contingent. As the identity of the perpetrators is still unknown and there are no suspects in custody, the case remains with the preliminary investigative judge of the military court. Over the reporting period, the judge interviewed a number of witnesses to the attack.

59. Two additional trial hearings were held in April in the court case against a group of defendants, eight of whom are in custody (six remain at large), being tried on a series of terrorist charges, including the 16 July 2007 attack against UNIFIL at Qasmieh Bridge. With regard to the 8 January 2008 attack against UNIFIL near Saida, two court hearings were held in March and June 2009 against a group of defendants, one of whom is in custody and four of whom are being tried in absentia. UNIFIL attends all the court hearings as an observer.

IV. Deployment of the United Nations Interim Force in Lebanon

60. As at 15 June 2009, the total military strength of UNIFIL was 12,051 personnel, of whom 441 were women, with a civilian strength of 328 international and 664 national staff members, of whom 88 and 172, respectively, were women. UNIFIL is supported by 53 United Nations Truce Supervision Organization military observers of the Observer Group Lebanon, including one woman. Further to the notification of the United Nations by the Government of Poland of its intention to withdraw its troops from UNIFIL, two platoons were withdrawn from Sector East in April, and the withdrawal of the whole contingent will be completed by October 2009. Efforts are ongoing to identify replacements for the logistics and maintenance, as well as infantry, companies currently provided by Poland. As part of the strengthening of UNIFIL with four additional infantry companies, an additional Malaysian company is expected to deploy to UNIFIL by the end of June. In addition, the Governments of Indonesia and of Nepal have informed the United Nations that they are ready to strengthen their current contributions to UNIFIL by providing one infantry company each. Work on the expansion of the UNIFIL

Naqoura headquarters site progressed according to schedule. Securing improved air surveillance assets for the mission remains a priority.

61. Since March, the UNIFIL Maritime Task Force has been operating at a reduced strength of eight vessels. The lower number of units in the Maritime Task Force led to a reduction in training opportunities with the Lebanese navy, as maritime interdiction operations represent the primary task for the Task Force. With the handover of the Maritime Task Force leadership at the end of May from Belgium to Italy, the composition of the eight vessels in the Task Force also changed. Instead of two frigates, two corvettes, three patrol boats and one support vessel, the Maritime Task Force currently has only one frigate, one corvette, five patrol boats and the supply vessel. The number of helicopters in the Maritime Task Force was also reduced from three to two. The reduction from two frigates to one and the overall shift to smaller vessels in the Maritime Task Force further reduced the capabilities of the Task Force to a level considered less than adequate to ensure the full implementation of its dual mandate of maritime interdiction operations and Lebanese navy training activities, and reduced its operational flexibility. Efforts are currently under way to strengthen the Maritime Task Force.

V. Observations

62. While the cessation of hostilities between Israel and Lebanon continues to hold, and while progress was made regarding the implementation of some aspects of resolution 1701 (2006) during the reporting period, progress in other areas has been slower than expected and, in some cases, non-existent.

63. The situation in the UNIFIL area of operations has been generally quiet during the reporting period. I am pleased that the parties maintained their commitment to resolution 1701 (2006). I urge the parties to continue to act with maximum restraint and utilize the liaison and coordination arrangements with UNIFIL and to respect the cessation of hostilities and the Blue Line. I note that any unauthorized crossing of the Blue Line is a violation of resolution 1701 (2006). I encourage the Lebanese Armed Forces to continue to increase their capacity to ensure that there are no unauthorized armed personnel and weapons between the Litani River and the Blue Line and to prevent the launching of rocket attacks and other hostile activities. I also call upon Israel to cease immediately all overflights of Lebanese territory, which are in violation of Lebanese sovereignty and resolution 1701 (2006).

64. I note with concern that the Israel Defense Forces continued their occupation of the part of the village of Ghajar, and an adjacent area of land, that lies north of the Blue Line. In accordance with its obligations under resolution 1701 (2006), Israel must complete its withdrawal from the area. I call on Israel to do so without delay. UNIFIL remains ready to facilitate the full withdrawal of the Israel Defense Forces from the area.

65. As I noted in my last report, UNIFIL plays an important role, and its cooperation with the Lebanese Armed Forces has helped to establish a new strategic environment and to restore and maintain stability in southern Lebanon. This was achieved as a result of the significant deployment of troops and maritime assets, involving substantial financial resources and based on the strong commitment of many troop-contributing countries. However, I stress again that this cannot be sustained indefinitely. It is the responsibility of the parties to take advantage of the

window of opportunity provided by the UNIFIL deployment to refocus on all outstanding issues in order to achieve a permanent ceasefire and long-term solution as envisaged in resolution 1701 (2006).

66. Ensuring that the area between the Litani River and the Blue Line is free of unauthorized weapons is a long-term endeavour. UNIFIL has not found evidence of the smuggling of arms into its area of operations. Bearing in mind that it is impossible to prove a negative, the unauthorized presence and smuggling of weapons into the area cannot ever be entirely excluded. The rocket attacks launched from this area in the past, as well as previous attacks against UNIFIL, demonstrate that there may still be weapons and hostile armed elements ready to use them in the area of operations. The Lebanese authorities have the primary responsibility to ensure that there are no unauthorized armed personnel, assets or weapons in the area between the Litani River and the Blue Line. UNIFIL supports the Lebanese Armed Forces in that endeavour.

67. The Lebanese Armed Forces, in partnership with UNIFIL, play a key role in the implementation of resolution 1701 (2006). The Lebanese Armed Forces continued to act with strong commitment and resolve, and their capacity has been gradually strengthened with the assistance of international donors. I am grateful to those countries that are helping to equip and train the Lebanese Armed Forces, including its navy, and I urge continuing strong support from the international community, which is critical in order for the Armed Forces to be able to assume effective security responsibility over the area of UNIFIL operations and the maritime entry points into Lebanon in the future.

68. I am pleased to note that the parties continue to make progress, in cooperation with UNIFIL, to visibly mark the Blue Line. I encourage Lebanon and Israel to maintain their constructive engagement and accelerate the visible marking of the Blue Line in order to reduce inadvertent violations and build confidence.

69. I am grateful to all the troop-contributing countries for their continued commitment to UNIFIL and to the implementation of resolution 1701 (2006). The need for this continued commitment and support, including the contribution of troops and assets necessary to enable UNIFIL to efficiently and effectively perform all of its mandated activities on land and at sea, cannot be overstated. I wish to strongly commend the UNIFIL Force Commander and the military and civilian peacekeeping personnel who continue to play a critical role in helping to promote peace and stability in southern Lebanon, as well as the Special Coordinator for Lebanon and the staff of his Office. At the same time, I remain concerned for the safety and security of United Nations personnel and urge all parties to abide by their obligation to ensure their safety and security.

70. The handing over by Israel to UNIFIL on 12 May of technical strike data for the cluster bombs, which the United Nations had requested repeatedly since the cessation of hostilities in August 2006, is a positive development. I am encouraged that the data seem useful.

71. I am concerned at the allegations by the Government of Lebanon that Israeli spy cells have been operating in Lebanon and that the Israel Defense Forces helped alleged spies to cross from Lebanon into Israel through the Blue Line, which, if proved, could endanger the fragile cessation of hostilities that exists between Israel and Lebanon. I take note of the serious concerns that the Lebanese authorities have

expressed in this regard and of their assertion that such actions constitute a violation of the sovereignty of Lebanon and of resolution 1701 (2006).

72. I remain concerned about the presence of armed groups in Lebanon operating outside the control of the State, which poses a challenge to the ability of the State to exercise full control over its territory. The United Nations continues to believe that the disarmament of all armed groups should take place through a Lebanese-led political process, so that there will be no weapons or authority in Lebanon other than those authorized by the State.

73. In this regard, I commend Lebanese leaders for the progress made thus far in the National Dialogue, led by President Sleiman, which has held seven sessions since the Doha agreement of May 2008. I trust that Lebanese leaders will live up to the high expectations placed on them by reconvening the National Dialogue soon after the elections, by implementing decisions already adopted and by further advancing discussions on the crucial issue of the national defence strategy.

74. I am concerned by the continued presence of Popular Front for the Liberation of Palestine-General Command and Fatah al-Intifada military bases in Lebanon and the threat they pose to the country's stability. I call upon the Government of Lebanon to dismantle those bases, as agreed by the National Dialogue.

75. Efforts to delineate and demarcate the common border between Lebanon and the Syrian Arab Republic should not be delayed. I believe that such efforts will enhance the relationship between the two countries. I urge the Governments of the Syrian Arab Republic and of Lebanon to undertake concrete and practical steps towards achieving that goal. In particular, I encourage the Government of the Syrian Arab Republic to follow up on its contacts with its Lebanese counterpart with a view to convening the joint border committee. The United Nations stands ready to provide assistance to the parties, as required.

76. I will also continue my diplomatic efforts aimed at resolving the issue of the Shab'a Farms area, in accordance with paragraph 10 of resolution 1701 (2006). I encourage Israel and the Syrian Arab Republic to submit their responses to the provisional definition of the Shab'a Farms area that I had provided based on the best available information.

77. I call upon all Member States to fulfil their obligations by respecting immediately and unconditionally the arms embargo imposed on Lebanon, which remains a fundamental aspect of resolution 1701 (2006) and an important element for domestic and regional stability. Control of the Lebanese-Syrian border is another such aspect. I call on the Government of Lebanon to pursue its efforts to secure that border. These aspects must be observed in full and without exception, as they are of crucial importance to ensure there is no flow of weapons to groups outside the control of the State. Regional parties, particularly those with ties with Hizbullah and other groups in Lebanon, are obliged to abide fully by the arms embargo. Any breach of it is a violation of Lebanese sovereignty and threatens the stability of the country and of the region as a whole.

78. In this connection, I welcome the concrete efforts exerted by the Government of Lebanon to control its northern border through the Common Border Force and to deploy a second Common Border Force to the eastern border. This is an important step in line with its obligations under resolution 1701 (2006), but one that will require significant resources. I am encouraged by the process of consultation taking

place between Lebanese authorities and donors, with assistance from my Special Coordinator, regarding the planning for this deployment. I thank donors for their contributions to the Common Border Force in the northern border and encourage them to consider further generous donations to enable this new deployment to the eastern border. I call upon the new Lebanese Government to develop a comprehensive strategy for border management in line with the recommendations of the Lebanon Independent Border Assessment Team II.

79. Continuous progress needs to be made regarding measures aimed at improving the living conditions of Palestinian refugees in Lebanon. It will be imperative for the future Government of Lebanon to build on the commendable initial steps taken by the previous Government, with a view to enabling Palestinian refugees to live in dignity and to ensuring peaceful coexistence between Lebanese and Palestinians, without prejudice to the settlement of the Palestinian refugee question in the context of a comprehensive peace agreement.

80. As the crucial phase of the reconstruction of the Nahr al-Bared refugee camp begins, I thank donor States that have responded generously to the appeals issued by the Government of Lebanon and the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the reconstruction of the camp, as well as the adjacent affected Lebanese communities. I also reiterate my call for additional contributions, which are required for the successful implementation of that crucial project.

81. I congratulate the people and the Government of Lebanon on the successful conduct of the parliamentary elections held on 7 June, which took place in a relatively calm environment largely free from political violence and intimidation. The cooperation of all sides will be required for the formation of a Government that continues to preserve stability in the country. I trust that the process of Government formation will proceed as smoothly and expeditiously as possible. I call upon the Government to be formed in Lebanon to reiterate its commitment to the full implementation of resolution 1701 (2006), and to take necessary visible steps towards its implementation.

82. I also call upon the Government in Israel to maintain its commitment to the full implementation of resolution 1701 (2006), and to take necessary visible steps towards its implementation.

83. I welcome the completion of the process leading to the establishment of full diplomatic relations between Lebanon and the Syrian Arab Republic, and I commend their respective leaderships for this achievement. I am looking forward to further renewed cooperation between both countries.

84. Almost three years after resolution 1701 (2006) was adopted, it remains the best available blueprint for the parties to move from the current state of cessation of hostilities towards a permanent ceasefire and a long-term solution. These goals will be achieved only through the adoption of concrete measures on the various issues that I have listed in detail in the present report.

85. It continues to be my profound conviction that we must exert all possible efforts to achieve a just, lasting and comprehensive peace in the Middle East, on the basis of the implementation of Security Council resolutions 242 (1967) and 338 (1973), which remains interdependent with the full territorial integrity, sovereignty and political independence of Lebanon.

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Distr.: General
29 June 2009

Original: English

Report by the Secretary-General concerning the credentials of the alternate representative of the United States of America on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale, dated 29 June 2009, from the Permanent Representative of the United States of America to the United Nations stating that Mr. Salman S. Ahmed has been appointed alternate representative of the United States on the Security Council.

In the opinion of the Secretary-General, the communication of 29 June 2009 constitutes adequate provisional credentials.

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Report of the Secretary-General on the United Nations Office for West Africa

I. Introduction

1. The present report is submitted pursuant to the request contained in the letter dated 21 December 2007 from the President of the Security Council (S/2007/754), in which the Council called on me to report on the fulfilment of the mandate of the United Nations Office for West Africa (UNOWA) every six months. The report covers the period from 1 January to 30 June 2009. It focuses on cross-cutting and cross-border issues in West Africa and on activities undertaken by UNOWA in cooperation with other United Nations entities and other international and regional organizations, including the Economic Community of West African States (ECOWAS).

II. Cross-border developments and trends

2. The overall peace and security situation in West Africa continued to improve. In spite of a number of debilitating internal and external factors, including food insecurity and the global financial crisis, West Africa is witnessing the emergence of positive trends towards peace, post-conflict recovery and stability. Progress in the areas of governance and the rule of law, although significant, have remained essentially fragile and might even be reversible in some areas. Furthermore, emerging and growing security threats, including organized crime, illicit and terrorist activities and climate change, jeopardize ongoing endeavours and the gains achieved so far.

A. Economic, social and humanitarian factors

Economic growth and effects of the global financial crisis

3. West African economies continue to grow, albeit at a slower pace. The dividends of economic growth are yet to be widely shared across all sections of West African societies. Prevailing trends in the subregion of great concentration of wealth within small groups of individuals, on the one hand, and rapidly deteriorating living conditions for the majority, on the other, are of concern as these are ingredients for instability and violence.

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4. Gains obtained in the economic sphere are countered in part by the negative effects of the ongoing global financial crisis. One important effect of the crisis has been a significant reduction in remittances from West African migrant workers, which could lead to a further deterioration in the living conditions of the most vulnerable. Recent data show that remittances received in Guinea-Bissau in 2008 were 18 per cent lower than in 2007; in Ghana, in January and February 2009, they were 16 per cent lower than those of the same period in 2008. For Senegal, the International Monetary Fund (IMF) has forecasted a 28 per cent decline in remittances in 2009. Prices for many of the subregion's main export commodities continue to decline.

5. Addressing the negative impact of the crisis on West African economies and societies has emerged as a priority for preventive action. Its magnitude will further stretch the already overburdened capacity of States to deliver social services and meet growing social demands, fuelling tensions and contributing to political instability.

Climate change and food security

6. Owing to a number of predisposing factors, including widespread poverty, rapid urbanization, high rates of population growth and overdependence on rain-fed agriculture, West Africa remains particularly vulnerable to food insecurity. The region also suffers from the ongoing slow-onset impact of desertification, and there are growing concerns across the subregion linked to rising sea levels along low-lying coastal areas, where at least 10 major cities are located.

7. Addressing the impact of climate change on food security in West Africa has become a priority for Governments and subregional organizations, especially as semi-subsistence agriculture forms the backbone of most West African economies and livelihoods, accounting for up to 90 per cent of annual food needs. Despite an encouraging harvest in 2008-2009, access to food remains a major concern for the most vulnerable populations. Rising food prices, deepening urban poverty and increasing environmental hazards in resource-constrained societies erode safety nets and social protection, exacerbate humanitarian needs and provide a breeding ground for political instability. The shifts in socio-economic patterns also accentuate tensions between herders and farmers and fuel local conflict, with potential subregional implications.

Humanitarian challenges

8. Epidemics continue to pose a serious humanitarian challenge in West Africa, which is facing the worst meningitis epidemic recorded in the last five years. With the onset of the rainy season, the humanitarian community in West Africa is paying greater attention to cholera and other gastrointestinal diseases. It is also actively assisting Governments of the subregion with their preparedness plans to deal with a potential A(H1N1) pandemic.

9. In an environment where humanitarian challenges are less conflict-related and more economy-driven, the role of the humanitarian sector in addressing the consequences of acute poverty and the potential impact of the global financial crisis should be clarified. The humanitarian and development communities need to widen their dialogue in order to generate the necessary funding support. With the notable exception of food and nutrition, all other domains have so far received less than one

third of the amount requested in the West Africa consolidated appeal process for 2009.

B. Drug trafficking and cross-border organized crime

10. Drug trafficking and cross-border organized crime continue to impact negatively on security in West Africa. However, persistent and growing international engagement, combined with bold initiatives undertaken at national and subregional levels are beginning to yield results.

11. Data on seizure of cocaine destined to and originating from West Africa show a significant downward trend, both in terms of quantities seized and individuals arrested. However, a decrease in seizures of narcotics does not necessarily imply a reduction in trafficking, but may indicate modification of the modus operandi of traffickers as a result of tougher law enforcement. Nonetheless, law enforcement and criminal justice authorities across West Africa are taking unprecedented steps in the fight against drug trafficking and the apprehension of perpetrators. Sustaining the current downward trend and consolidating operational cooperation mechanisms will remain an important challenge for West African States and their international partners.

12. Although drug trafficking is emerging as one of the more pervasive and dangerous forms of cross-border organized crime in West Africa, other illicit activities continue to be a source of concern. The Gulf of Guinea is confronted with multiple threats, including human smuggling, oil bunkering, the proliferation of small arms and light weapons and piracy. Another sensitive area is the Sahelian band where criminal and other armed groups increasingly conduct their activities in collaboration with terrorist groups operating in the area.

C. Governance, human rights and gender

13. Over the last few years, West Africa has achieved notable progress in the areas of democratization and consolidation of the rule of law. Transparent, free and fair elections are held regularly across the subregion, as in Mali and Senegal, where credible elections were held in the reporting period. Across West Africa, a particularly vibrant civil society acts as a powerful agent for the consolidation of democratic processes, and citizens are exercising their right to choose freely their leaders and their institutions.

14. Against this encouraging backdrop, the challenge of democratic governance and the resurgence of unconstitutional changes of Government are a growing concern. In its presidential statement (S/PRST/2009/11), dated 5 May 2009, the Security Council expressed its deep concern over the resurgence of unconstitutional changes of Government in a few African countries, and its concern at the possible violence that might accompany such events, as well as the negative impact on the economic and social welfare of the people and the development of affected countries. The majority of unconstitutional or violent changes of Government that occurred in the last few months in Africa occurred in the subregion.

15. Coups d'état are illegitimate acts that constitute a severe setback for democratization in West Africa and a threat to national cohesion and stability, with

significant subregional implications. As such, they require firm condemnation and response on the part of the international community. Unconstitutional changes of Government do not occur in a vacuum, however, nor are they limited to military coups. Although coups are by far their more radical form, unconstitutional changes of Government can take more subtle forms, such as the practice of constitutional review to extend an elected leader's term in office, or the failure to hold free, fair and transparent elections when they are due or to respect their outcomes.

16. The resurgence of coups d'état in West Africa has generated serious human rights concerns, a problem which has been compounded by the impunity of perpetrators in the military and security establishments of the countries concerned. Sexual and gender-based violence, arbitrary arrests and detention, as well as extrajudicial killings and unlawful expropriation of the property of the most vulnerable populations, continue to be reported across the subregion. Nonetheless, some substantive progress has been achieved. Increasing cooperation between the United Nations, the African Union, ECOWAS, the Mano River Union, and other regional, subregional and national organizations, has allowed for improved mainstreaming of human rights and gender in their response to threats to peace and security.

III. Activities of the United Nations Office for West Africa

17. UNOWA pursued its activities in implementation of its overall mandate of enhancing the contribution of the United Nations towards achieving peace and security in West Africa.

A. United Nations inter-institutional cooperation

18. During the reporting period, UNOWA has placed particular emphasis on building synergies among United Nations entities in the subregion. The Office organized meetings of heads of United Nations agencies in Dakar on 9 January and 23 April to share and exchange information on significant political and security issues affecting the subregion, including food security, the impact of the global financial crisis, specific countries of concern (Guinea, Guinea-Bissau, Mauritania and Togo) and other matters, such as aviation safety in West Africa. At the second meeting, participants were briefed on the initiative by the United Nations Regional Directors' Team to establish a regional observatory on vulnerabilities. This initiative is aimed at improving monitoring of various aspects of vulnerability in the subregion, strengthening collaboration between development and humanitarian actors and better identifying thresholds for humanitarian interventions in support of ongoing development programmes.

19. As a follow-up to the first meeting of regional directors and resident coordinators in West Africa convened by UNOWA on 11 December 2008, the Office convened, on 29 and 30 April in Dakar, a working-level session between representatives of the United Nations Development Programme (UNDP) Bureau for Crisis Prevention and Recovery, United Nations peace and governance advisers and the political units of peace missions in West Africa, during which terms of reference were developed for a subregional network of practitioners engaged in conflict prevention and peacebuilding. Together with other mechanisms for sharing

information and political analysis, this forum will enhance collaboration and cooperation between United Nations early warning and peace practitioners.

20. In its continuing efforts to enhance linkages in the work of the United Nations, UNOWA convened in Dakar its regular meetings of heads of United Nations peace missions in West Africa and conferences of force commanders of peace missions, in February and May, to discuss cross-border and peace security developments in the subregion and the Mano River basin, and to explore avenues for enhanced cooperation.

B. Cooperation with regional and subregional partners

Economic Community of West African States

21. Collaboration with ECOWAS remains a priority for UNOWA. My Special Representative maintained regular consultations with the President of the ECOWAS Commission, Mohamed Ibn Chambas, to coordinate efforts and undertake joint activities, especially in dealing with developing crisis situations. To further strengthen this partnership, UNOWA held a series of working-level discussions with ECOWAS counterparts in Abuja on 23 and 24 February, and in Dakar on 18 May, to identify priority areas for cooperation that could be reflected in an updated UNOWA-ECOWAS joint work programme. These include the implementation of the ECOWAS regional action plan on combating drug trafficking, food security, security sector reform, elections, good governance and the rule of law, proliferation of small arms and light weapons, and other cross-border issues.

22. As part of its efforts to strengthen the capacity of the ECOWAS standby force, UNOWA contributed to the reconnaissance and initial planning conference for its logistics field training exercise, which was held from 9 to 12 February in Ouagadougou. UNOWA staff also attended the 24th and 25th meetings of the ECOWAS Committee of Chiefs of Defence Staff in Praia from 4 to 6 March, and in Ouagadougou from 9 to 11 June. The main purpose of the 24th meeting was to update the road map for the standby force, which is expected to become operational by 2010, in line with the African Union timelines for subregional brigades. UNOWA also contributed to a planning conference held in Ouagadougou on 21 and 22 April to finalize the details of the logistics field training exercise. UNOWA participated as evaluator in the exercise with West African troop-contributing countries that took place from 9 to 12 June in Burkina Faso.

African Union-ECOWAS-United Nations partnership

23. UNOWA pursued consultations with representatives of the African Union aimed at enhancing coordination efforts between ECOWAS, the African Union and the United Nations in addressing subregional peace and security challenges. Joint missions were conducted to areas affected by instability and coups, such as Guinea. UNOWA also participated in the 26th meeting of the ECOWAS Mediation and Security Council, as well as a meeting convened by ECOWAS with international partners in Bissau on 19 and 20 March to discuss preparations for presidential elections in that country.

24. As part of a regular exchange of views and information on major developments in the subregion, UNOWA held a meeting on 28 April with diplomatic

representatives from ECOWAS countries in Dakar. Among the issues discussed were elections in West Africa, the crisis of governance and unconstitutional changes, insecurity in the Sahel, food security, drug trafficking and organized crime. UNOWA is also engaging in more regular consultations with diplomatic representatives of members of the Security Council, and has proposed to hold regular meetings with Dakar-based representatives to exchange information and analysis on peace and security in the region and explore how the international community can further strengthen its support to West Africa.

C. Governance

25. UNOWA was actively engaged in international efforts aimed at restoring democratic rule in countries that have recently undergone military coups or where democratic processes have come under threat.

Guinea

26. Since the military takeover following the death of President Lansana Conté on 22 December 2008, my Special Representative has been actively engaged with the Guinean authorities and other stakeholders in order to promote the shortest possible transition to constitutional order in the country and to pledge the support of the United Nations towards that end. My Special Representative was invited to address a meeting of the Peace and Security Council of the African Union on 29 December 2008 to consider the situation in Guinea, following which he undertook a visit to Conakry, on 3 January, to meet with the junta leader, Captain Moussa Dadis Camara, and other members of the National Council for Democracy and Development. Separate discussions were also held with representatives from Guinean political parties, civil society and trade unions, the donor community and United Nations agencies.

27. Following the ECOWAS condemnation of the coup and suspension of Guinea from meetings at heads of State and ministerial levels, my Special Representative engaged in ECOWAS and African Union-led efforts to secure a return to constitutional order. He participated in the initial consultative meeting on Guinea convened in Addis Ababa on 30 January, as well as meetings of the International Contact Group on Guinea, held in Conakry on 16 and 17 February, on 16 March, and on 4 and 5 May. These meetings provided an opportunity for Contact Group members to review the political situation in the country and progress made by Guinean authorities in meeting transitional commitments. The Group also focused on assisting and expediting the establishment of a national transitional council and the specification of a clear timeline for holding elections in 2009. On 7 April, my Special Representative and the AU Co-Chair of the Group undertook a joint visit to Conakry to encourage the President of the National Council for Democracy and Development to respect commitments made relating to the transitional timeline proposed by political parties, trade unions and civil society organizations on 17 March.

28. UNOWA also participated in discussions of the United Nations Executive Committee on Peace and Security, on 6 April in New York, to define a system-wide road map for United Nations support in Guinea and facilitate the mobilization of resources for elections and other priority areas.

Mauritania

29. My Special Representative pursued his efforts to find a consensual solution to the crisis in Mauritania following the overthrow of President Sidi Mohamed Ould Cheikh Abdallahi on 6 August 2008. He attended the consultative meeting convened by the African Union in Addis Ababa on 28 January and the meeting of the International Contact Group on Mauritania held in Paris on 20 February. While stressing the need for continued pressure on the junta to show flexibility, the Paris consultations acknowledged certain proposals made by key Mauritanian stakeholders as a basis for a constructive dialogue among Mauritanians, to be convened by the Chairperson of the African Union with the participation of the International Contact Group on Mauritania.

30. On 14 May, my Special Representative travelled to Nouakchott, to lay the ground for the preparation and launching of an inter-Mauritanian dialogue, as part of an international delegation led by President Abdoulaye Wade of Senegal, and composed of the Chairperson of the African Union Commission, the Libyan Minister for African Affairs (representing the current African Union Chair), and the Senegalese Minister of Foreign Affairs. He assisted in efforts that led to the holding of an initial meeting bringing together the three main Mauritanian parties on 15 May. From 19 to 22 May, my Special Representative participated in international efforts in Nouakchott to facilitate an agreement between the Mauritanian stakeholders on a consensual road map towards presidential elections. These efforts led to the Mauritanian talks held in Dakar from 28 May to 2 June, which culminated in the signing, on 4 June in Nouakchott, of a framework agreement that paves the way for an inclusive process towards the holding of presidential elections and the restoration of constitutional order.

Togo

31. Following the public announcement by the Government of Togo on 13 April of an alleged coup attempt, my Special Representative travelled to Lomé on 20 April to meet President Faure Gnassingbé, Prime Minister Gilbert Houngbo, leaders of the opposition and international partners in Lomé. My Special Representative conveyed the concerns of the United Nations regarding recent developments in the country and encouraged President Gnassingbé and political leaders to work together in creating conditions conducive to the holding of peaceful and fair elections in 2010. He also sought to ensure respect for judicial procedures and for the rights of individuals arrested in connection with the alleged coup attempt.

32. As a follow-up to his visit to Lomé, my Special Representative held discussions with President Blaise Compaoré of Burkina Faso, on 24 and 25 April in Ouagadougou, in his capacity as facilitator of the political dialogue in Togo, to encourage him to continue to assist the Togolese parties in reaching a consensus on the electoral process. He further pursued this matter on the occasion of the workshop on elections and security held in Lomé on 13 May, which brought together representatives of military and security forces, political parties, Parliament and other national institutions. On 30 March, a meeting was held in Dakar between UNOWA and ECOWAS to discuss the possibility and modalities of a joint pre-elections assessment mission in Togo.

Elections and security

33. UNOWA continued to support efforts aimed at creating conditions conducive to the holding of elections in Guinea, Mauritania and Niger in 2009. The Office continued to play an active role in international forums, such as the international contact groups on Mauritania and Guinea, which focused on promoting conditions for peaceful elections as part of a process towards the restoration of constitutional order. My Special Representative also encouraged the authorities in Niger to hold presidential elections as scheduled in 2009. UNOWA supported the United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS) in its efforts to address the challenges related to security and elections in Guinea-Bissau. My Special Representative also raised the issue of the date for presidential elections with President Compaoré in his capacity as facilitator of the Ivoirian peace process, when he met him in Ouagadougou on 25 April, before the Security Council meeting of 28 April, to consider the situation in Côte d'Ivoire.

34. Meanwhile, UNOWA pursued the initiative it launched in 2008, in coordination with ECOWAS, to trigger a process of broad consultations on the issue of security and elections in West Africa. As a follow-up to the workshop it organized from 24 to 26 November 2008 in Conakry, the Office published and widely distributed a paper on the role of the security sector in election processes in West Africa. The paper recommends actions to improve security during electoral processes in the subregion. The follow-up meeting to the Conakry workshop, held in Lomé on 13 and 14 May and jointly facilitated by the United Nations Regional Centre for Peace and Disarmament in Africa (UNREC) and the Office of the High Commissioner for Human Rights (OHCHR), contributed to the development of a national strategy to secure forthcoming elections in the country, with the mainstreaming of human rights in the electoral process.

35. As part of its efforts to support security sector reforms in West African countries, UNOWA attended the round table on restructuring and modernizing the defence and security sector in Guinea-Bissau that took place in Praia on 20 April. The event, which was organized by ECOWAS, the Community of Portuguese Language Countries, UNOGBIS, and the Governments of Cape Verde and Guinea-Bissau, aimed at reinvigorating and expediting implementation of the country's security sector reform programme.

D. Cross-border issues

Drug trafficking and organized crime

36. UNOWA continued to devote special attention to drug trafficking and organized crime as a threat to security in West Africa. During the reporting period, the Office focused its efforts on enhancing cooperation with the United Nations Office on Drugs and Crime (UNODC), supporting ECOWAS in the implementation of its regional action plan on drug trafficking, and seeking to strengthen its own capacity to play a role in concerted efforts to combat this scourge.

37. On 18 March, my Special Representative met the Executive Director of UNODC in Vienna to discuss strengthening UNOWA-UNODC collaboration and United Nations support to ECOWAS. This followed a mission undertaken by the United Nations Department of Peacekeeping Operations, the United Nations

Department of Political Affairs and UNOWA to the General Secretariat of the International Criminal Police Organization (INTERPOL) in Lyon on 15 January to further develop joint integrated strategies to combat organized crime. The West Africa Coast Initiative, which is aimed at establishing transnational crime units in four pilot countries (Guinea-Bissau, Sierra Leone, Liberia and Côte d'Ivoire) to strengthen national law enforcement and intelligence-gathering capacities, was developed and presented at the eighteenth session of the UNODC Commission on Crime Prevention and Criminal Justice in Vienna on 21 April.

38. UNOWA also attended several meetings, including the 8th semi-annual liaison officers' meeting organized by the UNODC regional office in Dakar on 1 April, to examine the status of the ECOWAS 2008-2011 regional action plan on illicit drug trafficking and organized crime in West Africa, and to review the partnership between UNODC, the United Nations Department of Political Affairs, UNOWA, the United Nations Department of Peacekeeping Operations and INTERPOL in supporting implementation of this plan. The Office also participated in the experts' meeting organized by ECOWAS in Abuja on 12 and 13 May that endorsed the operational plan of the ECOWAS Commission aimed at assisting its member States in the implementation of the action plan. At this meeting, the monitoring and evaluation mechanism for the plan was also endorsed and participants expressed support for the West Africa Coast Initiative that was presented to them.

Cross-border security

39. In the area of security and defence, UNOWA participated in a two-week seminar on terrorism at the regional training centre for combating drugs in Abidjan from 6 to 9 February. The contribution of UNOWA included presentations on the United Nations and terrorism, security threats to West Africa, bomb alerts and demining. The Office also attended a regional working-level meeting of the Group of Eight (G-8) Counter-Terrorism Action Group in Dakar on 3 March, which examined the implementation of Security Council resolution 1373 (2001) on combating terrorism in several West African countries and which provided an opportunity for UNOWA and embassies based in Dakar to explore avenues for strengthening their partnership on terrorism-related issues.

40. On 26 March, UNOWA attended a seminar on maritime security in the Gulf of Guinea, held in Douala, Cameroon, during which guidelines were developed for establishing a subregional coordination centre for maritime security. The Office intends to encourage ECOWAS to develop a similar initiative.

41. In the area of disarmament, UNOWA contributed to a regional seminar in Dakar on 28 and 29 April for countries in Central, North and West Africa to discuss the adoption of an arms trade treaty, as part of a project that the United Nations Institute for Disarmament Research (UNIDIR) is implementing for the European Union.

Sahel region

42. During the reporting period, UNOWA continued to follow developments and liaise with international partners on the security situation in the Sahel, in particular activities of criminal networks and terrorist groups related to Al-Qaida, especially in the light of the abduction of my Special Envoy, Mr. Robert Fowler, and his colleagues as well as other foreigners. My Special Representative seized every

opportunity to encourage national authorities and other stakeholders in the subregion to determine a final date for the holding of the proposed regional conference on development and security in the Sahel.

43. On 12 and 13 March, my Special Representative undertook a mission to Niamey to discuss with senior Government officials, members of the diplomatic corps and the United Nations country team the upcoming local, legislative and presidential elections and the situation in the northern part of the country. Similarly, as a follow-up to initial discussions with the Permanent Interstate Committee for Drought Control in the Sahel held in Ouagadougou on 2 August 2008, UNOWA visited the AGHRYMET Regional Centre in Niamey on 13 March to explore areas of collaboration and joint action on food security and climate change and their impact on subregional stability.

Youth unemployment

44. UNOWA continued to host the West African office of the Youth Employment Network. My Special Representative took the opportunity of his visit to Vienna on 18 March to meet the Director-General of the United Nations Industrial Development Organization (UNIDO) to discuss youth employment and other issues of mutual concern.

45. For the Youth Employment Network competitive grant scheme in the Mano River Union countries (under a UNIDO programme), the staff of the Network in West Africa completed one-day training events in Côte d'Ivoire on 23 January. Of the 280 applications received, the Network granted 15 youth employment projects costing between $2,000 to $50,000. On 8 April the Network launched its databank on youth employment in West Africa, which details over 450 projects tackling youth employment in the subregion. The Network facilitated sessions of a two-day learning forum hosted by the International Youth Foundation in Nairobi on 16 and 17 April, under the auspices of the World Bank's Global Partnership to Promote Youth Employment and Employability. In June, the Youth Employment Network organized an event to promote private-public partnerships working on youth employment with the participation of 20 business representatives and 20 non-governmental organizations and also completed a study on projected private sector demand for youth labour in Ghana and Senegal.

E. Human rights and gender

46. During the reporting period, UNOWA contributed to efforts aimed at advancing the protection of human rights and mainstreaming gender equality in West Africa. In implementing Security Council resolutions 1325 (2000) and 1820 (2008), the Office undertook the mapping of gender and human rights-related activities in West Africa, through which it was able to foster stronger partnerships among a multitude of stakeholders in the subregion, thereby anticipating and avoiding undue duplication of efforts.

47. On 12 and 13 February, UNOWA held a meeting in Dakar with the ECOWAS Gender Development Centre, during which the two institutions finalized the statute of the network on peace and security in the ECOWAS subregion. From 16 to 20 March, the Office partnered with ECOWAS to formally launch the ECOWAS Peace Exchange, a Web-based narrative module aimed at providing in-depth

analysis of the root causes of conflicts and assisting in finding solutions to emerging threats to peace and security. From 31 March to 2 April, UNOWA participated in an experts' meeting in Accra which developed a manual on mainstreaming gender and women's issues in multidimensional peace support operations in West Africa.

48. UNOWA attended the second consultative meeting of human rights field presences in Conakry from 22 to 24 April. This meeting brought together heads of human rights components within peace missions, OHCHR country offices, human rights advisers and staff of the Secretariat of the United Nations to review the human rights situation in West Africa and to agree on cross-cutting thematic priorities, which were presented at the May meeting of heads of United Nations peace missions in West Africa.

49. On 28 and 29 April, UNOWA facilitated the establishment of a subregional working group on women, peace and security, which brought together relevant actors including the African Union Commission on Human and Peoples' Rights, ECOWAS, the Mano River Union, United Nations agencies and subregional civil society organizations. The working group adopted its terms of reference and an annual workplan for the 2009-2010 cycle.

50. In the margins of the forty-fifth ordinary session of the African Commission on Human and Peoples' Rights, held in Banjul from 13 to 27 May, UNOWA convened a meeting of West African civil society organizations on 12 and 13 May, during which participants adopted an action plan to address key challenges facing the subregion. On 13 May, my Special Representative addressed the African Commission and underlined the centrality of human rights to peace, security and development. He highlighted the issues impacting on social and political stability in West Africa, namely the resurgence of coups d'état and unconstitutional changes of Government, the food and financial crises, drug trafficking, organized crime and climate change. UNOWA staff also met with officials of the African Commission, after which the Commission decided to become a founding member of the West African working group on women, peace and security, and to work closely with UNOWA.

51. From 1 to 3 June, the United Nations Department of Political Affairs and the Office of the High Commissioner for Human Rights conducted a joint assessment mission to UNOWA to assess implementation of Policy Committee decisions on integration, in particular the level of integration of human rights in UNOWA activities and programmes. Particular attention was paid to the good practices developed so far in the framework of the cooperation between the Human Rights Section of UNOWA and the OHCHR West Africa Regional Office, which will be further formalized.

F. Cameroon-Nigeria Mixed Commission

52. UNOWA continued to assist the Cameroon-Nigeria Mixed Commission and the Follow-up Committee for the Greentree Agreement in fulfilling their respective mandates. In his capacity as Chairman of the Cameroon-Nigeria Mixed Commission, my Special Representative placed particular emphasis on creating conditions for expediting the field assessment of the land boundary between the two countries and commencing demarcation activities. Using his good offices during his visit to Abuja on 23 February, where he met with the Vice President and the

Minister of Foreign Affairs of Nigeria, my Special Representative worked with the parties to remove all obstacles to the convening of the twenty-fourth session of the Commission.

53. My Special Representative's efforts resulted in the resumption of the field assessment of the land boundary and an agreement to hold the twenty-fourth session of the Cameroon-Nigeria Mixed Commission on 11 and 12 June. So far, 832 kilometres out of the 1,950 kilometres of the land boundary have been assessed and agreed upon by the two parties. At the twenty-fourth session of the Mixed Commission, which was held on 11 and 12 June in Abuja, the parties demonstrated their willingness to strengthen cross-border cooperation, including by engaging more actively in sensitization efforts and community-development projects targeting affected populations along the border and in Bakassi. These commitments were reiterated in my presence in New York on 16 June, in the context of the eleventh meeting of the Follow-up Committee established by the Greentree Agreement of 12 June 2006.

IV. Observations and recommendations

54. Despite some positive developments in West Africa in the past six months, including the holding of peaceful elections in some countries and increased awareness of drug trafficking as a threat to regional security, I remain concerned by the continued fragility of the progress made and, in particular, to the continuing vulnerability of the subregion to socio-economic, environmental and humanitarian challenges. The continued engagement of financial and development institutions is needed to mitigate the adverse effects of the decline in economic growth and other destabilizing factors. Despite advances in governance and rule of law, the subregion is confronted with many setbacks, as evidenced by the recent wave of unconstitutional changes of government, which are a source of deep concern. To combat the phenomenon of coups d'état, the international community must respond in a firm, proactive, collective and consistent manner to address both their root causes and those practices that can serve as triggers, such as grievances related to wealth and power-sharing, deficiencies in governance, infringements of democratic processes and disregard for human rights. Current efforts of regional and subregional organizations, notably ECOWAS and the African Union, to reject and prevent unconstitutional changes of government deserve continued support, while cooperation with these organizations in preventive action should be strengthened.

55. I am encouraged by the contribution the United Nations system continues to make in support of subregional efforts to consolidate peace, democracy and development. UNOWA's role has proved useful in building synergies among United Nations agencies, programmes and funds, and in providing a forum for United Nations entities in West Africa to define their respective goals and achievements within the overall objective of supporting peace and stability in the subregion. I particularly appreciate and commend the cooperation and assistance provided to UNOWA by regional directors and United Nations country teams through their resident coordinators.

56. The support provided by the United Nations system to ECOWAS and the Mano River Union in their endeavours to consolidate social and economic achievements and to address subregional vulnerabilities is a most valuable contribution, which I

welcome. UNOWA will maintain its close working relationship with ECOWAS in forging lasting peace in the subregion. Furthermore, the efforts of my Special Representative in promoting a triangular working relation involving ECOWAS, the African Union and UNOWA in addressing peace and security challenges in West Africa, similar to the existing partnership between ECOWAS, UNOWA and the European Union, should be commended. Such a partnership will be critical in addressing the challenges of governance and the rule of law.

57. In the coming six months, UNOWA will continue to spearhead its synergy-driven approach and focus on priority areas, including advocacy for conflict prevention and peace consolidation in the subregion. In particular, UNOWA will continue to work in tandem with United Nations entities, as well as other actors, including civil society, to further support ECOWAS and the Mano River Union in the areas of good governance, human security, human rights, gender and the rule of law. It will also continue to play a significant role in the concerted efforts to address the scourge of drug trafficking and organized crime. UNOWA could further facilitate ongoing efforts if strengthened with a small police capacity with adequate specialist expertise. Special attention will also be given to pursuing UNOWA's ongoing subregional initiative aimed at strengthening the capacity of national institutions, including the security sector, in providing security during electoral processes.

58. I commend Cameroon and Nigeria for their continued commitment to the peaceful implementation of the ruling of the International Court of Justice on the land and maritime boundary between the two countries, as well as the donor countries for their support to the process. I would like to express my appreciation and gratitude to Kieran Prendergast for his contribution, as the Chairman of the follow-up committee of the Greentree Agreement until 28 February 2009. As Chairman of the Cameroon-Nigeria Mixed Commission, my Special Representative will continue to promote the smooth and peaceful settlement of the border dispute between the two countries.

59. In conclusion, I would like to express my appreciation to the Governments of West African States, ECOWAS, particularly its Chairman and the President of its Commission, and the Mano River Union, for their continued cooperation and support. I also extend my gratitude to the United Nations system, especially Regional Directors, Resident Coordinators, country teams, peace missions and regional agencies, and to civil society organizations and other partners for their continued collaboration with UNOWA. I wish to thank my Special Representative, Said Djinnit, and the staff of UNOWA and the Cameroon-Nigeria Mixed Commission for their tireless efforts towards sustainable peace and security in the subregion.

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Security Council

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Letter dated 19 June 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit the attached letter dated 27 May 2009 from Judge Patrick Robinson, President of the International Tribunal for the Former Yugoslavia (see annex I) and the attached letter dated 29 May 2009 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda (see annex II). Both letters relate directly to the ability of the International Tribunals to implement their completion strategies.

In his letter, President Robinson requests that the Security Council:

(a) Expand the membership of the Appeals Chamber by authorizing the President to redeploy four permanent judges from the Trial Chambers to the Appeals Chamber;

(b) Extend the term of office of judges of the International Tribunal for the Former Yugoslavia; and

(c) Authorize the International Tribunal for the Former Yugoslavia to exceed temporarily the statutory maximum number of ad litem judges serving at the Tribunal.

Similarly, President Byron requests that the Security Council:

(a) Expand the membership of the Appeals Chamber by authorizing the President to redeploy four permanent judges from the Trial Chambers to the Appeals Chamber; and

(b) Extend the term of office of judges of the International Criminal Tribunal for Rwanda.

In addition, President Byron is asking the Security Council to allow one judge to engage in another professional occupation in his home country and to work part-time while drafting his final judgement, and reconsider the entitlements of ad litem judges.

Both letters provide detailed explanations of and justification for the requests.

I should be grateful if you would bring the attached letters from President Robinson and President Byron to the attention of the members of the Security Council. Early action is needed in order to provide the International Tribunals with the continuity, stability and certainty necessary for the efficient and effective implementation of their completion strategies. I would therefore appreciate the Security Council considering this matter at the earliest opportunity.

(*Signed*) **BAN** Ki-moon

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Annex I

Letter dated 27 May 2009 from the President of the International Tribunal for the Former Yugoslavia addressed to the Secretary-General

By the present letter, I wish to bring to your attention three issues of importance to the efficient implementation of the completion strategy of the International Criminal Tribunal for the Former Yugoslavia, as contained in Security Council resolution 1534 (2004).

1. Redeployment of trial judges to the Appeals Chamber

The first issue concerns the necessity of redeploying four permanent trial judges from the International Tribunal for the Former Yugoslavia and four permanent trial judges from the International Criminal Tribunal for Rwanda to the Appeals Chamber upon the completion of their trial work to expedite the work of the Appeals Chamber.

The Tribunal has made an assessment of its projected appellate work and concluded that with the current composite of judges serving on the Appeals Chamber it will not complete its work until 2015. With the redeployment of eight additional judges, four from the International Tribunal for the Former Yugoslavia and four from the International Criminal Tribunal for Rwanda, it is estimated that the Tribunal can complete most appellate work by 2012, with four cases utilizing six judges running into July 2013. It is anticipated that the first redeployment of a trial judge to the Appeals Chamber from the International Tribunal for the Former Yugoslavia will take place in October 2010, and the last redeployment will take place with the end of the Karadžić case in February 2012. This proposed redeployment is contained in the Tribunal's 2010-2011 biennium budget submission and it is upon that basis that I bring it to your attention at this time.

2. Extension of the mandate of appeal, trial and ad litem judges

The second issue concerns the necessity of extending the mandate of the Tribunal's ad litem judges, permanent trial judges and appeals judges to allow the Tribunal to complete its outstanding work. Security Council resolution 1837 (2008) extended the terms of office of permanent judges who are members of the Appeals Chamber until 31 December 2010, or until the completion of the cases before the Appeals Chamber if sooner. It also extended the terms of office of permanent trial judges and ad litem judges of the Tribunal until 31 December 2009, or until the completion of the cases to which they are assigned if sooner. The Tribunal's projections show that some judges will be required for longer periods of time than other judges. Based on those projections, the Tribunal currently estimates that the extensions described below will be required

The following permanent judges currently assigned to the Appeals Chamber require extensions of their mandates until 31 July 2013, or until the completion of the cases to which they are assigned in the Appeals Chamber if sooner:

Patrick Robinson (Jamaica)

Liu Daqun (China)

Theodor Meron (United States of America)

The following permanent judges currently assigned to the Appeals Chamber require extensions of their mandates until 31 December 2012, or until the completion of the cases to which they are assigned in the Appeals Chamber if sooner:

Fausto Pocar (Italy)

Carmel Agius (Malta)

The following permanent judges currently assigned to the Trial Chambers and to be redeployed to the Appeals Chamber following the completion of their trials require extensions of their mandates until 31 July 2013, or until the completion of the cases to which they are assigned in the Appeals Chamber if sooner:

O-Gon Kwon (Republic of Korea)

Jean-Claude Antonetti (France)

The following permanent judges currently assigned to the Trial Chambers and to be redeployed to the Appeals Chamber following the completion of their trials require extensions of their mandates until 31 December 2012, or until the completion of the cases to which they are assigned in the Appeals Chamber if sooner:

Alphons Orie (the Netherlands)

Bakone Justice Moloto (South Africa)

The following permanent judges assigned to the Trial Chambers require extensions of their mandates until 31 December 2010, or until the trials to which they are assigned are completed, whichever is sooner:

Kevin Parker (Australia)

Christoph Flügge (Germany)

Christine Van den Wyngaert (Belgium) (elected to the International Criminal Court and expected to resign effective 1 September 2009)

Replacement of Mohamed Shahabuddeen (Guyana) (resigned effective 11 May 2009)

The following permanent judge assigned to the Trial Chambers requires extension of his or her mandate until 31 July 2012, or until the trials to which he or she is assigned are completed, whichever is sooner:

Replacement of Iain Bonomy (United Kingdom of Great Britain and Northern Ireland) (resigned effective 21 August 2009)

The following ad litem judges assigned to trials require extensions of their mandates and terms of service where necessary until 31 December 2010, or until the trials to which they are assigned are completed, whichever is sooner:

Pedro R. David (Argentina)

Michèle Picard (France)

Uldis Kinis (Latvia)

Frederik Harhoff (Denmark)

The following ad litem judges assigned to trials require extensions of their mandates and terms of service where necessary until 31 December 2011, or until the trials to which they are assigned are completed, whichever is sooner:

Elizabeth Gwaunza (Zimbabwe)

Flavia Lattanzi (Italy)

Antoine Kesia-Mbe Mindua (Democratic Republic of Congo)

Árpád Prandler (Hungary)

Stefan Trechsel (Switzerland)

The following ad litem judge assigned to trials requires the extension of his mandate and term of service until 28 February 2012, or until the trials to which he is assigned are completed, whichever is sooner:

Melville Baird (Trinidad and Tobago)

Finally, the Tribunal requests the extension of the terms of office of the following ad litem judges, who are not currently appointed to serve at the Tribunal, until 31 July 2012, or until the completion of any cases to which they may be assigned if sooner:

Frans Bauduin (the Netherlands)

Burton Hall (the Bahamas)

Jawdat Naboty (Syrian Arab Republic)

Raimo Lahti (Finland)

Chioma Egondu Nwosu-Iheme (Nigeria)

Prisca Matimba Nyambe (Zambia)

Brynmor Pollard (Guyana)

Vonimbolana Rasoazanany (Madagascar)

Tan Sri Dato Lamin Haji Mohd Yunus (Malaysia)

3. Assignment of a thirteenth ad litem judge

The third issue is a request that the Tribunal be permitted to go beyond the statutory limit of 12 ad litem judges and call for the assignment of one additional ad litem judge, taking the number of ad litem judges to 13 to allow the Tribunal to commence the Karadžić case in August with a reserve judge. The Tribunal anticipates that in November 2009 it will return to 11 ad litem judges with the delivery of the judgement in the *Popović et al.* case and the departure of two ad litem judges at that time (Kimberly Prost (Canada) and Ole Bjørn Støle (Norway)).

The Tribunal requests that it be permitted to assign up to 13 ad litem judges for the period of 1 August to 31 December 2009.

I should be grateful if you would bring the present letter to the attention of the Security Council and the General Assembly for their consideration.

(*Signed*) Patrick **Robinson**
President

Annex II

Letter dated 29 May 2009 from the President of the International Criminal Tribunal for Rwanda addressed to the Secretary-General

I am writing to you concerning four issues:

(a) The extension of the mandate of Trial Chamber and Appeals Chamber judges;

(b) The expansion of the Appeals Chamber;

(c) The specific situation of Judge de Silva;

(d) The status of the ad litem judges.

1. Expansion of the Appeals Chamber and redeployment of trial judges

Judge Robinson, Presiding Judge of the Appeals Chamber, and I have agreed on the need to request an enlargement of the Appeals Chamber. We have also agreed that Judge Robinson will make representations in this respect to the Security Council. The enlargement will be essential to provide the necessary resources to deal with the heavy workload to be expected at the appeals level from mid-2010. Among the currently serving seven permanent trial judges at the International Criminal Tribunal for Rwanda, the following four would be available for redeployment to the Appeals Chamber after completion of their cases:

Dennis Byron (Saint Kitts and Nevis)

Khalida Rachid Khan (Pakistan)

William H. Sekule (United Republic of Tanzania)

Arlette Ramaroson (Madagascar)

Judge Sekule and myself have not yet taken a definite decision as to whether to join the Appeals Chamber. In case our places would need to be filled, two options could be envisaged: either additional permanent judges could be appointed to the International Criminal Tribunal for Rwanda or the vacant positions could be left to be filled by judges from the International Tribunal for the Former Yugoslavia.

Attached to the present letter is an overview of the current assignments of all judges currently serving at the International Criminal Tribunal for Rwanda, including the expected dates of judgement delivery in their ongoing cases (see appendix I).

2. Extension of the terms of office of Trial Chamber and Appeals Chamber judges

The terms of office of the International Criminal Tribunal for Rwanda trial judges will currently expire on 31 December 2009, as set out in Security Council resolution 1824 (2008).

All but two of the trial judges currently serving at the Tribunal are sitting in cases in which the judgement drafting will last until at least mid-2010.

The only two judges who intend to finalize the judgement drafting in their current cases by the end of 2009 and who are not available for an extension of their

mandate are Erik Møse (Norway) and Sergei Alekseevich Egorov (Russian Federation). The specific situation of Judge de Silva is explained in section 3 below.

The terms of office of the two International Criminal Tribunal for Rwanda Appeals Chamber judges will currently expire on 31 December 2010, as set out in Security Council resolution 1824 (2008). However, according to current projections, some Appeals Chamber judges will have to serve until 2012 and others until mid-2013 in order to complete all appeal cases. It is therefore necessary to extend their mandate. At this stage, I would request that the Council extend the mandate of the Appeals Chamber judges to 31 December 2011. This extension should also apply to the trial judges who will be redeployed after finalizing their current cases.

Based on the above-mentioned considerations, I request the Security Council to extend the mandate of the currently serving judges as follows:

Permanent judges, Trial Chamber

Dennis Byron	Until 31 December 2011
Khalida Rachid Khan	Until 31 December 2011
William H. Sekule	Until 31 December 2011
Arlette Ramaroson	Until 31 December 2011
Joseph Asoka Nihal de Silva	Until 31 December 2010

Permanent judges, Appeals Chamber

Mehmet Güney	Until 31 December 2011
Andrésia Vaz	Until 31 December 2011

Ad litem judges

Solomy Balungi Bossa	Until 31 December 2010
Lee Gacugia Muthoga	Until 31 December 2010
Florence Rita Arrey	Until 31 December 2010
Emile Francis Short	Until 31 December 2010
Taghrid Hikmet	Until 31 December 2010
Seon Ki Park	Until 31 December 2010
Gberdao Gustave Kam	Until 31 December 2010
Vagn Joensen	Until 31 December 2010
Joseph Masanche	Until 31 December 2010
Mparany Rajohnson	Until 31 December 2010
Aydin Akay	Until 31 December 2010

3. Judge de Silva

Judge Joseph Asoka Nihal de Silva, one of the permanent judges, has indicated that he has to return to his national judiciary. Currently, he is Presiding Judge in the Military II case, a multi-accused trial in the judgement drafting phase. Judgement delivery is not expected before mid-2010.

Judge de Silva has presided in three additional single-accused cases (Muvunyi, Rugambarara and Rukundo) in parallel with the long evidence phase of the Military II trial.

Judge de Silva is fully committed to the completion of the Military II case and to his work during the judgement drafting phase. However, he is asking for permission to return to his country, take on judicial work there and finalize his work for the Tribunal on a part-time basis, returning to Arusha when necessary for deliberations and judgement delivery. Judge de Silva is willing to forego his International Criminal Tribunal for Rwanda salary during the time of part-time work. He has assured me that his obligations in Sri Lanka would not delay the judgement delivery at the Tribunal. As President of the Tribunal, I have accepted his assurances.

Considering the importance of ensuring timely completion of the Military II trial and taking into account the specificities of the situation of Judge de Silva, I request the Security Council to authorize Judge de Silva to work part-time until the delivery of the judgement in the Military II case and to engage in another occupation in his home country.

4. Status of the ad litem judges

The issue of the status of the International Criminal Tribunal for Rwanda ad litem judges has been raised before the Security Council already in the previous completion strategy report and will be addressed again in the next report, which I will present to the Security Council on 4 June.

As appears from the various documents and memorandums on this subject exchanged between the Secretary-General, the Fifth Committee of the General Assembly and the Advisory Committee on Administrative and Budgetary Questions, as well as the General Assembly resolutions on the issue, various entitlements including pension are withheld from ad litem judges on the basis that their service, unlike that of permanent judges, was expected to be of a temporary nature and could be intermittent (see A/55/806, para. 7, which stated: "This essential difference has been taken into account by the Committee [ACABQ] in evaluating the necessity of a number of the entitlements and allowances proposed in the report of the Secretary-General").

However, the initial assumption that ad litem judges would serve intermittently for brief periods only and with a different responsibility from permanent judges did not turn out to be so. The ad litem judges of the International Criminal Tribunal for Rwanda have contributed immensely to the effective functioning of the Tribunal and, more particularly, to the success of the completion strategy. From the inception of their terms of office they were assigned multiple cases and, due to the nature of these cases, they were required to take up permanent residence at the seat of the Tribunal. Through Security Council resolution 1855 (2008), they have been given the additional responsibility of acting as presiding judges because of the

unavailability of permanent judges to undertake this responsibility. Their competencies are now nearly identical to those of permanent judges.

The denial of the benefits mentioned above is therefore no longer justified, and is a matter of grave concern for the ad litem judges, nearly half of whom will have spent more than six years at the Tribunal by December 2009 (see appendix II). In spite of this concern, they have, up till now, continued to perform their functions diligently and steadfastly. The expeditious resolution of this matter is in the overall interest and proper functioning of the Tribunal and the success of the completion strategy.

I should be grateful if you would bring this matter to the attention of the General Assembly and the Security Council for their review of the current situation.

(*Signed*) Dennis **Byron**
President

Appendix I

Current assignments of judges and expected judgement delivery

Judge	*Case*	*Expected judgement delivery*
Permanent Judges		
Dennis C. M. Byron (Saint Kitts and Nevis)	Karemera et al. (presiding)	End 2010
	Kalimanzira (presiding)	Mid-2009
	Muvunyi (re-trial) (to start in June 2009) (presiding)	Second half of 2009
Khalida Rachid Khan (Pakistan)	Bizimungu et al. (presiding)	Mid-2010
	Nshogoza (presiding)	Mid-2009
	Ntawukulilyayo (presiding)	Mid-2010
William H. Sekule (United Republic of Tanzania)	Nyiramasuhuko et al. (Butare) (presiding)	Mid-2010
	Ngirabatware (presiding) (start of the trial not yet clear following Appeals Chamber decision to change the trial date)	Second half of 2010
Erik Møse (Norway)	Renzaho (presiding)	Second quarter of 2009
	Nsengimana (presiding)	Third quarter of 2009
	Setako (presiding)	Fourth quarter of 2009
Arlette Ramaroson (Madagascar)	Nyiramasuhuko et al. (Butare)	Mid-2010
	Hategekimana (presiding)	Early 2010
Sergei Alekseevich Egorov (Russian Federation)	Renzaho	Second quarter of 2009
	Nsengimana	Third quarter of 2009
	Setako	Fourth quarter of 2009
Asoka J. N. de Silva (Sri Lanka)	Ndindilyimana et al. (Military II) (presiding)	Mid-2010

Judge	*Case*	*Expected judgement delivery*
Ad Litem Judges		
Solomy Balungi Bossa (Uganda)	Nyiramasuhuko et al. (Butare)	Mid-2010
	Ngirabatware (start of the trial not yet clear following Appeals Chamber decision to change the trial date)	Second half of 2010
Lee Gacuiga Muthoga (Kenya)	Bizimungu et al.	Mid-2010
	Nshogoza	Mid-2009
	Ntawukulilyayo	Mid-2010
Florence Rita Arrey (Cameroon)	Renzaho	Second quarter of 2009
	Nsengimana	Third quarter of 2009
	Setako	Fourth quarter of 2009
	Munyakazi (presiding)	Mid-2010
Emile Francis Short (Ghana)	Bizimungu et al.	Mid-2010
	Kanyarugika (to start in June 2009) (presiding)	Mid-2010
Taghrid Hikmet (Jordan)	Ndindilyimana et al. (Military II)	Mid-2010
	Hategekimana	Early 2010
Seon Ki Park (Republic of Korea)	Ndindilyimana et al. (Military II)	Mid-2010
	Kanyarugika (to start in June 2009)	Mid-2010
Gberdao Gustave Kam (Burkina Faso)	Karemera et al.	End 2010
	Kalimanzira	Mid-2009
	Muvunyi (re-trial) (to start in June)	End 2009

Judge	*Case*	*Expected judgement delivery*
Vagn Joensen (Denmark)	Karemera et al	End 2010
	Kalimanzira	Mid-2009
	Muvunyi (re-trial) (to start in June)	End 2009
Joseph E. Chiondo Masanche (United Republic of Tanzania)	Hategekimana	Early 2010
	Kanyarugika (to start in June 2009)	Mid-2010
Richard Mparany M. Rajohnson (Madagascar)	Munyakazi	Mid-2010
	Ngirabatware (start of the trial not yet clear following Appeals Chamber decision to change the trial date)	Second half of 2010
Aydin Sefa Akay (Turkey)	Munyakazi	Mid-2010
	Ntawukulilyayo	Mid-2010

Appendix II

Duration of service of ad litem judges

Judge	*Years of uninterrupted service in December 2009*
Solomy Balungi Bossa (Uganda)	6 years, 4 months
Lee Gacuiga Muthoga (Kenya)	6 years, 2 months
Florence Rita Arrey (Cameroon)	6 years, 2 months
Emile Francis Short (Ghana)	5 years, 7 months
Taghrid Hikmet (Jordan)	5 years, 4 months
Seon Ki Park (Republic of Korea)	5 years, 4 months
Gberdao Gustave Kam (Burkina Faso)	5 years, 4 months
Vagn Joensen (Denmark)	2 years, 8 months
Joseph E. Chiondo Masanche (United Republic of Tanzania)	11 months
Richard Mparany M. Rajohnson (Madagascar)	11 months
Aydin Sefa Akay (Turkey)	11 months

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Letter dated 26 June 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit the attached letter dated 15 June 2009 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda (see annex). The letter directly relates to the ability of the Tribunal to complete its work.

In his letter, President Byron requests that the Security Council:

(a) Allow one judge to engage in another professional occupation in his home country and to work part-time at the International Tribunal while drafting his final judgement; and

(b) Permit the Tribunal to recruit an additional ad litem judge from among the former permanent judges of the International Tribunal for the Former Yugoslavia or the ad litem judges of the International Tribunal for the Former Yugoslavia who have not been assigned to any case.

The letter sets out the justification for the requests.

I would be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council. I would appreciate the Security Council considering this matter at the earliest opportunity in order to provide the International Criminal Tribunal for Rwanda with the continuity and certainty necessary for the efficient completion of its work.

(*Signed*) **BAN** Ki-moon
Secretary-General

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Annex

Letter dated 15 June 2009 from the President of the International Criminal Tribunal for Rwanda to the Secretary-General

15 June 2009

I am writing to you with an urgent request:

Since my return from New York, I have been informed by Judge Short, the ad litem judge from Ghana serving on the International Criminal Tribunal for Rwanda, that he wishes to leave the Tribunal and is no longer ready to take on the case of *Kanyarukiga*, for which you had appointed him as Presiding Judge. In his letters to me, he refers to health problems and his wish to return to his previous position as Human Rights Commissioner of Ghana.

The decision of Judge Short puts the Tribunal in a particularly difficult situation. As you know, we are currently requesting the Security Council for an exceptional authorization for Judge de Silva to finalize his work at the Tribunal on a part-time basis while taking on judicial work in his home country of Sri Lanka. As Judge de Silva is presiding in a multi-accused trial (*Military II*), in which judgement delivery is expected in mid-2010, only this arrangement can ensure that he will not resign but finalize the work on the judgement.

The situation in connection with Judge Short is similarly difficult. Earlier, he had requested an authorization for part-time work, but in long discussions I had convinced him to stay on and to take over one of the new cases, *Kanyarukiga*. Unfortunately, he has now changed his mind. Judge Short is also sitting on the bench in the *Bizimungu et al.* case, a complex case involving four accused, in which the evidence phase lasted 400 trial days. Judgement delivery is expected in mid-2010. Judge Short is willing to finalize his work on the judgement if he is authorized to take up work again in his home country and to finalize the judgement for the Tribunal on a part-time basis.

With the length and complexity of the *Bizimungu* case in mind, I am left with no choice but to request that the Security Council include Judge Short in the requested authorization for Judge de Silva for part-time work until the delivery of the judgement in the cases to which they are assigned.

The decision of Judge Short not to preside in the *Kanyarukiga* trial has obvious serious implications also for the composition of the bench. All in all, benches still need to be composed for another five new trials to commence in 2009. Currently, only 14 judges are at all available at the Tribunal to take on new cases, but many of them are already handling a workload that does not allow for additional assignments. In particular, assigning presiding judges is difficult: they need to be experienced and have the capacity to handle the particular workload this function involves. I had originally decided against requesting an additional ad litem judge. The new situation, after the decision of Judge Short, with the loss of a presiding judge, makes it, however, unavoidable to request the appointment of another ad litem judge to serve on the Tribunal.

Previous attempts to recruit an additional judge from the available roster of judges elected in 2003 were not successful. All those remaining on the roster, namely, the judges from Sweden, the United Kingdom, the Netherlands and Panama, have been unavailable to take on service at the Tribunal during the current year. The

judge from Malaysia has passed away. The judge from Italy most likely will not be available before the end of October, which creates difficulties for our completion strategy. Several of the new cases have had to be adjourned for a variety of reasons, and it is important for the *Kanyarukiga* trial to commence in August in order not to risk a spillover of the evidence phase into 2010.

Therefore, I would like to request that an additional judge be recruited from among the retired permanent judges of the International Tribunal for the Former Yugoslavia or from among the ad litem judges on the roster of the International Tribunal for the Former Yugoslavia who are available and willing to join the International Criminal Tribunal for Rwanda at short notice. It would be particularly important in this situation to recruit an experienced judge who could replace Judge Short in presiding in the *Kanyarukiga* case and would allow the International Criminal Tribunal for Rwanda to meet the goals of its completion strategy.

I would be grateful if you could bring this urgent matter to the attention of the Security Council.

(*Signed*) Dennis **Byron**
President of the International Criminal Tribunal for Rwanda